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Main works-

A saga of Sacrifices: Praja Parishad Movement in J&K

100 Documents: A reference book J&K, Mission Accomplished

A Compendium of Icons of Jammu & Kashmir & our Inspiration (English)

Jammu Kashmir ki Sangarsh Gatha (Hindi)

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20
30

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34

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(November 15, December 15, 1963)

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U.S. Nuclear Strategy in Evolution (1984)



5-9

VITAL
SPEECHES & DOCUMENTS
OF THE DAY

Vol. IV Nos. XXII, XXIII &
XXIV Nov. 15, Dec. 1. &
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SPECIAL ISSUE

KASHMIR

by RANA SATYA PAUL
Editor

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South
Kashmir

of the
extending
way
alley on

The Land and People

"of more remote tours the favourites are up the river to Islamabad and the beautiful Archibal spring and garden; to the clear springs of vermag, one of the many sources of the Jhelum; to the famous ruins of Martand which occupy the grandest site of any in the world for a temple; to the Lidar valley, pahalgam, the kola hoi glacier, and the caves of Amar Nath."

Younghusbamed. (Kashmir)

Situated between the Central and South Asia, the state of Jammu & Kashmir covers an area of 84,471 sq. miles in the northernmost part of India. Its international boundaries of India in Jammu & Kashmir State are contiguous with West Pakistan, Afghanistan, the U.S.S.R., China & Chinese occupied Tibet. The state is almost entirely mountainous. Geographically it may be divided into three areas: Ladakh & Gilgit in the north; the middle region of the valley of Kashmir; and the foothills and large level areas of Jammu in the South. These three regions are divided from each other by the snow-bound outer Himalayan ranges. Administratively, the state's geographical prior to independent was divided into three provinces roughly parallel to the geographical divisions: the frontier districts which included Ladakh, Baltistan & Gilgit; the Valley of Kashmir; and Jammu province which included the Jammu mountains & Chenani. Srinagar and Jammu

to the South
J. Kashmir

the two principal towns of the state, are the summer and winter Capital of the State.

Jammu & Kashmir state is the home of various races and sects whose history goes back thousands of years. Ethnic & physical factors such as diversity of race and religion and the influence upon the people's development of the vast mountain barriers and the network of rivers and hill-torrents cutting off one part of the country from another and tending to restrict mutual intercourse and confining the various population groups within limited and isolated areas, restricted the process of assimilation within. But, looking from isolated areas, ^{pp 774} from a broader point of view even the remotest nooks of the state have a close historical, political, cultural, religious and physical unity with the rest of India. The 12th century historian¹ of Kashmir lists in Rajतरांगिनी Kashmir's ethnic and political relations back from 2450 B.C. when Bronanda and later his son Damodra were killed in their attempt on Lord Krishna. Vigne² notes this long relations between Kashmir & rest of India:

"and then ^{the} greater epic poems of Mahabharata and Bhagavata, or life of (Lord) Krishna, & other Sanskrit works mentioned Kashmir as a country of eminent ^{Kashmiri} Raghos & learned men."

Ethnic Composition The ethnic composition of the State of J & K is complex. To the tract extending to the plains of the Punjab from the snowy mountains ~~so~~ bounding the Kashmir valley on the south is called Dugar Dugar.

... me ... of their
... nation, and mould the
... part. No person and no power
... them & the fulfilment of
of this — Their historic task. We are free,
at least to shape our aspirations as people
and to give substance to the ideals which
have brought us together here."

He continued:

"You are the Sovereign authority in this
State of J&K; what you decide has the
irrevocable force of law. The basic
democratic principle of sovereignty of the
nation, embodied ably in the American
and French Constitutions, is once again
given shape in our midst. I shall quote
the famous word of Art III of the French
Constitution of 1791:

"The Source of all Sovereign resides
fundamentally in the nation —
Sovereignty is one and indivisible, inalienable
and imprescriptible. It belongs to the
nation."

The Leader of the House put forward three alternatives
for discussion — accession with Pakistan, accession
with India, and, Sovereign independent status
for the State. The Assembly was to make
the final decision. He concluded:

"I have now put the pros & cons of
three alternatives before you. It
should not be difficult for men of
discrimination & patriotism gathered
in this Assembly to weigh all these in
the scales of our national good &

try his in the future."

The E. A. had the discretion to exercise her Sovereign right. On Feb. 6, 1954 the Assembly unanimously ratified the State accession with India which the Maharaja had earlier executed on 26 Oct 1949. This is perhaps the only one major point where the Sovereign people and the autocratic Maharaja agreed mutually. The Assembly did not limit itself to the ratification but it gave to the State its republican constitution which covered all the aspects of Kashmir's life. This municipal constitution was incorporated in the Indian Constitution with President's order of May 14, 1954.

Bp 830

The Assembly finished its work & adopted the Constitution on Nov. 17, 1956. It dissolved itself on the 26th January 1957 - Indian Republic day. The Constitution, whose certain clauses had come into force in full on that day.

Preamble.

Art III

Thus, the people of State, who had been on war against the autocracy for over a generation realised their cherished dream & its fulfilment in the Sovereignty of the people.

It is the home of the Dogras, a hardy people divided into several castes and sects, both Hindu and Musalman. Belonging to the Aryan race, they speak the Dogri language, a mixture of Sanskrit, Punjab and Persian words, deriving its origin from Indo-Aryan branch of Sanskrit. Muslims are mostly the converts from Hinduism. Caste system prevalent among the Muslims, ~~as~~ on the lines of Hindus, and the observance of Hindu festivals by Muslims, speaks much of the close affinity among the two religions who have a common past and belong to the same race.

Kashmir valley is inhabited by the people of Aryan descent who migrated there from India. According to the legend, as mentioned in Rajatarangini and Nilamata Purana, the valley which was a vast mountain lake was drained by Kashyapa Rishi (Saint) who was a imported Brahman and sages from India to live there. Brahmanas of Kashmir are considered to be the purest specimen of the ancient Aryan settlers. The overwhelming majority of the people (BP. 775) the valley, however, profess Muslim religion which was first introduced in the 13th Century and established its hold in the 14th Century. Almost whole of the Muslim community is convert from Hinduism or Buddhism. Sir Walter Lawrence writes (The valley of Kashmir, Henry Frowde London 1895 A.D.).

"The Musalmans of the valley may have been for some time after their conversion to Islam, some of the Hindu Customs of endogamy within the caste and exogamy outside the gotra, but there is no trace of these customs ~~and now~~ and the different tribal names or kramas are names and nothing more."

The region to the north-east of the valley is called Balhistan and is inhabited by the people of the Tibetan race called Baltis. Although the preponderant majority of the population profess the Muslim faith of the Shia sect, there are still some villages professing the Buddhist faith.

Ladakh is a mountainous country situated in eastern part of the Kashmir valley. It is for the most part a desert of bare crags and granite dust, with vast arid tablelands of high elevation, a land where there are no forests or pastures. The people of Ladakh are a mixture of the Mongolian and the Aryan races. Aryans who originally settled in the country were the realy ~~or~~ Buddhist people from Kashmir & the Dards of Gilgit. The Mongolian stock is traced to Tibet, from which country shepherds and ~~no~~ nomads came to the plains of Ladakh to graze their flocks. The fusion of these races has produced the modern Ladakh. Ladakhis are Buddhist followers of the Dalai Lama of Tibet.

The successive raids in the Punjab by the Afghan invader Ahmed Shah Abdali broke the already dwindling Mughal power in the Punjab. After the speedy retirement of the invader in 1764, the Sikhs became the masters of Lahore and after later when Ahmad Shah Abdali made a final withdrawal in 1767, the Sikhs captured his Indian conquests from his son Timur Shah and within a few years became masters of an area extending from Shaharanpur in the east to Attock on the west and from Kangra and Jammu in the north on the South. At the close of 17th century when Lahore passed to Maharajah Ranjit Singh a new wave of Sikh conquests in the north dawned. Besides other principalities, Kashmir fell to Ranjit Singh granted to Gulab Singh in 1819 A.D. after 67 years of Afghan domination. Maharaja Ranjit Singh granted to Gulab Singh the principality of Jammu in 1820 & later when he was assigned by the Sikh Durbar to quell the rebellion of troops in Kashmir, he marched there and successfully suppressed the rebellion in 1841 which resulted ultimately into the extension of his sway over Kashmir. An English traveller who visited the State J & K in 1835-39 (and met the Rajah) gave a very (BP. 778) interesting account in his book of the acquisition of power by Gulab Singh in Jammu. He writes:

"Gulab Singh, the present Rajah of Jammu is the elder brother of the Rajahs Dhiran and Suchyt Singh, who were originally

Means i.e. squires. or dependants, of the old Rajah's family at Jammu. Gulab Singh owes his first rise to his brother Dhian Singh, who, when his first influence was fully established at the Court of Lahore, found no difficulty in ~~introducing~~ introducing him to the notice of the Maharaja. Gulab Singh had quarrelled with the Rajah of Jammu, his rightful master, and entered into the service of the Rajah of Kishtwar, with whom he remained three years; but hearing that Runjit was preparing an expedition against Jammu, he went to him and offered his services. The Maharaja gave him a Command, - the old Rajah ran off, and Gulab Singh took possession of Jammu for Runjit, and then wrote to Tegh Singh, the Rajah of Kishtwar, informing him falsely that the Maharajah was going to send a force against him also. . . . (and Gulab Singh wrote him) to leave his army, and come to Jammu alone, under the promise of an introduction to the Maharajah, who would secure him in possession of his dominion. Tegh Singh. . . . repaired to Jammu with only a few followers, - . . . and in the mean time Gulab Singh got possession of Kishtwar without opposition." (Travels in Kashmir, Ladak, & Sikkim 1835-39: G. T. Vigne (Henry Coll London 1842).

Later, however, when he annoyed his Sikh masters in 1845 he lost his Kashmir territory to the Lahore Durbar.

Soon followed the war between the British and the Sikhs with their first encounter on 18th Dec. 1845 at Mudki. The Sikhs were

defeated ultimately and a treaty was signed between them at Lahore on March 9, 1846. The victor imposed on the Sikhs an indemnity in demeritication for the expenses of the war & a sum of Rupees one and half crores of Rupees; and the Lahore Govt., being unable to pay the whole of this sum at this time, or to give security satisfactory to the British Govt. for its eventual payment; the Maharajah cedes to the Honourable Company, in perpetual sovereignty, an equivalent for one crore of Rupees all his forts, territories, rights, & interests in the hill countries which was situated between the rivers of Beas and Indus, including the province of Cashmere (Kashmir) and Hazarah. (Art IV, treaty of Lahore, 1846). A week later on March 16, 1846 at Amritsar the Company signed another treaty but this time with Maharajah Gulab Singh of Jammue and the Company and the Maharajah under Art I & III agreed to :

"The British Govt., transfers and makes over for ever, the independent possession, to Maharaja Gulab Singh and the heirs male of his body, all the hilly or mountainous country with its independencies situated to the eastward of the line of Indus, and westward of the river Ravi, including Chamba and excluding Lahul, being part of the territories ceded to the British Govt. by the Lahore State, according to the provision of Art. IV of the treaty of Lahore 9th March

846."

" In Consideration of the Transfer made to him and his heirs by the provisions of the foregoing articles, Maharajah Gulab Singh will pay to the ^(British Govt) British Govt. The sum of seventy five lacs of rupees (Namak Shahi) fifty lacs to be paid on the ratification of this Treaty and twenty five lacs on or before the 1st of Oct. of the current year A.D. 1846."

In the Security Council Pakistan Representative has made much fuss on this sale deed in justification of Pakistan's claim over the state of Jammu & Kashmir. Perhaps the Pakistan Representative forgets to note that (a) just prior to the signing of Treaty of Lahore, Maharaja Gulab Singh was the de-facto ruler of Kashmir. Treaty of Amritsar gave to the Maharaja the de-jure control of the State, and

(b) Cession of territory ~~includ~~ including the province of Kashmir, under the Treaty of Lahore was due to fact that Lahore Durbar were not in a position to pay an indemnity of one and a half crores of rupees. De-jure recognition of the authority of the Maharaja, one of the noble of the Lahore Durbar over Kashmir was granted on the payment of half of the indemnity value.

the territory over which the de-jure authority of the Maharaja was recognised was only a part of territory which the British annexed from the Lahore Durbar under the treaty of Lahore. If there is any fault in this transaction the fault lies with the British Govt. of India and not with the Maharaja.

Moreover acquisition of territory by sale deeds is an international practice and is recognised by customary international law. Writing on acquisition in his book Int-law, Professor Charles G. Fenwick, Director, Dept. of Int-law and Organization, Pan American Union, points out:

Title to territory has been obtained by States either through the transfer of land not hitherto belonging to any other State or through the transfer of land from one State owner to another. The former method ~~confers~~ confers an original title, the latter a derivative title. Jurists have differed as to the number and character of the titles to property, but in actual practice the following titles appear to be recognised by States: Occupation, ~~so~~ accretion, prescription, voluntary cession, conquest, treaties of peace, and assimilation."

Elaborating voluntary cession form of acquisition of territory the learned American continues:—

"The treaty by which transfer of sovereignty is effected may take one or another of

veral forms. The simplest of these, in point of law, is the treaty of sale, which has figured so prominently in the history of the United States. The Louisiana purchase of 1803, the Florida purchase of 1819, the Grad Eden purchase of 1853, the Alaska purchase of 1867, and more recently the purchase of Danish West Indies in 1916, in addition to several lesser purchases, make the record of the United States, in respect to expansion by purchase of territory, unique in history of ~~the~~ International Law."

There is one thing more to be noted on this matter. The practice of acquisition of territory from one party and cession to another at the same time on some compensation or concessions being paid to the donor in the later case was not a new thing under the Treaties of Lahore and Amritsar. Treaty of Titalaya signed between East India Company and Sikhim on 10th February 1817 provides an excellent example in this connection. Art. I reads:

"The Honourable East India Company cedes, transfers and makes over in full sovereignty to the Sikkimputtee Rajah, his heirs or successors, all the hilly or mountainous country situated to the ~~ss~~ eastward of Mechi River (BP 780) and to westward of the Teesta River, formerly possessed and occupied by the Raja of Nepal, but

ceded to the Honourable East India Company by the treaty of peace signed at Segoulee."

(Sikkim, Bhutan and India: Rama Satya Paul
The Book House Co. New Delhi July 1963.)

This territory was not ceded by the Company to the Rajah of Sikkim out for nothing. Summed up of 7th April 1817 granting the territory agreed upon in the above noted treaty laid down the concessions asked for in lieu of the cession. (Sikkim, Bhutan & India: Rama Satya Paul. The Book House Co. New Delhi July 1963)

bp 781

Dogra Rule in the State of J&K lasted for about 130 years. The autocracy was more or less repressive and the condition of the people was in no way better. As early as in 1890 A.D Sir Walter Lawrence who visited that State observed: (Valley of Kashmir: Sir Walter Lawrence).

"The Kashmiri cultivators have hitherto been treated as serfs, and have literally been forced to cultivate. They had no interest in their lands and were liable at any moment to be called away to work for officials or men of influence. They become absolutely hopeless and sullen—

The writer continues about the forced Labour:

"Gillgit to the Kashmiri is a constant terror and when it was rumoured that transport was wanted to convey the baggage of the

troops going to or coming from bilget, there was a general stampede among the villagers. I have seen whole villages bivouacking on the mountains when the agents for the collection of transport arrived in their Thesil, and I have seen inhuman punishment dealt out to men who demurred to leave their houses."

The author's shocking revelation about the forced labour, which was then prevalent in the whole of the Dominion of the Maharajah of J & K, continues.

„The other side of Begar (forced labour) is also a great trouble to the villages, but it has been easier to abolish. It consists of requisitions for village produce, and is a form of purveyance on behalf of officials. Under this system officials would obtain wood, grass, milk, poultry and grain, blankets and an occasional pony, cows & sheep free of cost, and higher officials would build houses in the city or cultivate waste land through the unpaid labour of the villages."

Coming closer to the present age, prior to independence, the people of the (OSP. 782) state lived in abject poverty. Disease and ignorance stalked the land. A large majority of farmers was landless and, inevitably, steeped in indebtedness. Starvation and disease had a free play in almost all parts of the state. As late as 1940 the percentage of literates was only 6.6. The total number of women literates did not exceed 42,141.

Now, one thing here is worthy to be noted. This man in an attitude of righteous indignation over the oppressive character of Dogra rule in Kashmir have tried to make a capital out of it. True as to her Communal policy and the theocracy on which Pakistan is based, she tried to give a communal colour to this whole oppression, Pakistan's stand on the issue is absolutely baseless and the propaganda it tries to put into the minds of the world is maliciously false. When one looks into the history of world, one finds that the people fared nowhere better under dictatorship or autocracy as depicted in the preceding paragraphs. Serfdom and Slave slavery, poverty and starvation, forced labour and concentration camp, mutilation and extermination etc. were even visible till the beginning of the second-half of 19th century even in the most civilised corners of Europe. It was only in 1861 serfdom was abolished in Russia. Even in South Africa and in the colonies we witness the same nonsense even today. Pakistani propagandist would do themselves a lot of good if they read into Forster who visited Kashmir in 1783 when the Muslim Afghans were ruling over the Muslim Kashmiris. He writes: (Forster's Letters: A Journey from Bengal to St. Petersburg.)

At this time no less than 2,000,000 Rupees are extracted by the Afghan Governor, who, if his tribute be regularly remitted to Court, is allowed to execute

with impunity every act of violence. This extreme rigour has sensibly affected the deportment of the Kashmiris, who shrink with dread ~~dread~~ from the Afghan oppression and are fearful of making any display of opulence. During my stay in Kashmir I often witnessed the harsh treatment which the common people received at the hand of their masters, who rarely issued an order without a blow of the side of their hatchet, a common weapon of the Afghans and used by them in war as a battle axe."

Even conditions prevalent in India and in the other princely States in India as compared with Kashmir were not better. Indians, whether the State subject or British India subject, suffered the same humiliation and starvation from their masters of the time.

Such a miserable state of affairs was not only because of the autocratic policies of the rulers of these princely States or, to be particularly, the Maharaja of J & K. but, to a much greater extent, due to the political system which the British had created and maintained for their own safety in India. The oppressions had nothing whatsoever to do with the religious beliefs of the Rulers. Hindus, both in the State of J & K & the other princely States and also the British India did not fare better than their Muslim compatriots. The whole of the State administration

XI

ministration, political policies of the British
over, and their colonial approach to the people
of the land, were to ~~be~~ blame for this
miserable plight of the people. Jawaharlal
Nehru puts

"The governments of these states were
often bad enough, but in any event,
they were almost powerless, a few of
the British residents or agents in these
states, like Metcalfe, were honest &
conscientious, but more often they were
neither, and they exercised the harlot's
privilege of having power without
responsibility."

(Discovery of India: Meridian Books,
London page 311) -

Henry Lawrance wrote in 1846.

"If there was a device for ensuring
mal-governement it is that of a
native ruler and minister both relying
on foreign bayonets, and directed by
a British Resident; even if all these
were able, virtuous, and considerate,
still the wheels of govt, could hardly
move smoothly. If it be difficult
to select one man, European or
native, with all the requisites of a
just administrative, where are those who
can or will work together to be found?
Each of three may work in calculable mischief,
but no one of them can do good if thwarted by the

other. (Quoted by Pt. J. Nehru in the
X of India.)

Freedom Movement

BP. 791.

"The usual remedy of a bad govt, in India is a quiet revelation in the palace, or a violent one by rebellion of foreign Congresses. But the presence of a British forces cuts off every chance of remedy, by supporting the prince on the throne against foreign and domestic enemy. It renders him indolent, by teaching him to trust to strangers for his security, and cruel and avaricious, by showing him that he has nothing to fear from the hatred of subject."

(Sir Thomas Munro's letter to the G. O. 1817; quoted by Edward Thompson in the Making of the Indian Princes.)

on July 13, 1931, the Maharaja's rifles killed twenty-one persons in Srinagar when the Muslim Community rose to present its grievances to the Maharaja of Jammu and Kashmir. This gave a fillip to an ~~an~~ already growing resentment against the autocracy. Muslims of Mirpur, Dogra Muslims in Jammu, Kashmiri panchits in Kashmir, State's Sitch in Mirpur & Dogra Hindu Rajputs in Jammu, were all up to eat up the autocracy of the Maharaja. The start was communal, but, unlike the rest of India, it was tolerant towards each other.

All J & K Muslim Conference came into being in Oct. 1932 but, a few months later, the working Committee of the M.C

instituted a sub-Committee to find out ways and means of uniting all the forces of revolution of all the Communities against the Maharaja's autocracy. By 1938 the anti-Communal forces of liberation were coming more closer and the people of the State were preparing for their anti-autocracy revolution on the nationalistic lines. Sheikh Abdullah in his presidential address to the sixth annual session of the Muslim Conference made a fervent appeal to unite these forces under one banner and to cut short the Communal politics changing it into on modern nationalistic lines. He said:

"Like us the large majority of Hindus and Sikhs in the state have immensely suffered at the hand of the irresponsible govt. They are also steeped in deep ignorance, have to pay large taxes and are in debt and starving. Establishment of responsible govt is as much a necessity for them as for us.

"The main problem therefore now before us is to organise joint action and a united front against the forces that stand in our way in the achievement of our goal. This will require re-Christianing our organisation as a non-Communal political body and introducing certain amendments in its constitution and its rules.

"I reiterate today that I have said so often. Firstly, we must end Communalism by ceasing to think in terms of Muslims & non-Muslims when discussing our political

problems. without these two democracy Secondly there must be universal suffrage on the basis of joint electorates. without these two democracy is lifeless.

" you Complain that the Hindu belonging to the vested interests are ^{BP 192} reactionary and stand in the way of our progress. But have we not had the same experience in the case of Capitalist Muslim also? It is significant as well as hopeful that in spite of many difficulties in their way some non-Muslims have co-operated with us though their number is very small. Their sincerity and moral courage make us feel their strength. We must therefore open our doors to all such Hindus & Sikhs, who like ourselves, believe in the freedom of their Country from the shackles like ~~ourselves~~, believe in the freedom of their Country from the of an irresponsible rule."

Working Committee of the M. C took the matter on June 28, 1938 and in its resolution described:

" whereas in the opinion of the Working Committee the time has now come when all the progressive forces in the Country should be rallied under one banner to fight for the achievement of responsible government the Working Committee recommends to the General Council that in the fourth coming session of the Conference the name and Constitution of the organization be so altered and ~~was~~ amended that

all such people who desire to participate in the political struggle may easily become members of the conference irrespective of their caste, creed or religion. "

one seventy-six representatives of the Muslim conference met at Srinagar on June 10, 1939 and adopted the working Committee resolution of last year with only three negative votes. National Conference, now with a new name shed off its Communal taint and because purely non-Communal organisation.

The N.C gradually aligned itself more and more with the Indian National Congress of which N.C only the provincial organ.

At the Anantnag session, 30 sept - 1st oct 1939, the N.C ratified the National Demands signed by its leaders on August 29, 1938. one of the clauses read:

" The election of the Legislature shall be made on the basis of joint electorates: seats should be reserved for the minorities & all safeguards and weightages should be guaranteed to them in the Constitution for the protection of their linguistic, religious, cultural, political & economic rights according to the principles enunciated, accepted or acted upon by Indian N. Congress from time to time. In addition to the above the religious

rights and sentiments of all the communities should be respected and not interfered with."

(National Demand was signed by the Muslim leaders and submitted to the Maharaja, prior to the re-christening of the M. Conference into the N. C. J.).

At the Anantnag session the N. C. aligned further with the Congress while appreciating the intention underlying the statement issued by the Working Committee of the National Congress about the war (2nd. W. W) and the policy of the British Govt, towards the political aspirations of the Indian nation, a policy diametrically opposed to the declared policy of Muslim Conference.

Abdullah Abbas, who latter disassociated from the parent body, formed a new body — the Muslim Conference. This new Muslim Conference however, could not muster any strength and remained throughout a very weak political body mainly composed of a few Muslims of the Jammu Province. Muslims of Kashmir Valley — where they form a 90% majority, rejected this new Muslim Conference & continued their association with the National Conference.

Shaken by the happening in the State, Jinnah in May 1944 paid a hurried visit to the valley quite uninvited. To his great disappointment, he failed to win over the leaders of N. C. to the Muslim League's Camp.

Abdullah reacted sharply to the activities of Jinnah and warned him:
"If Jinnah does not give up the habit of

interfering in our politics it will be difficult for him to go back in an honourable manner."

N. C. adopted a plan what is known as "NEW KASHMIR" Manifesto at the Sopore annual session in Sept. 1945 and submitted it to the Maharaja. The document was not merely a demand notice to the Maharaja but an objective of the N. C. The Manifesto of the Conference demanded a Constitutional govt, and the convening of a Constituent assembly to work on a suitable Constitution of the State. At this session of the Conference were also present the leaders of the Indian National Congress including Jawahar Lal Nehru, Abul Kalam Azad and Abdul Gaffar Khan at the invitation of N. Conference. All Congress leaders were heartily welcomed wherever they went in the valley.

The visit of Cabinet Mission and its Memorandum May 12, 1946 left no doubt the future of India with imminent birth of Pakistan. On May 15, 1946 the N. C. launched a state wide "Quit Kashmir" agitation against Ruler to leave the state forthwith. A press Communiqué issued by the Maharaja's govt, at that time read:

Sheikh Abdulla and many of his followers have been arrested following a series of speeches delivered by him and members of his party during the last two weeks. In these speeches, people were incited to destroy the existing Govt, to repudiate allegiance to His Highness and force him to quit Kashmir. Unmentionable abuse was heaped upon the

son of His Highness and the ruling family."
 round to The Quit Kashmir agitation received
 all round cooperation but from the (Bp. 794)
 nominal strength of the henchmen of Jinnah,
 the Muslim Conference. Jinnah like his stand on
 "Quit Kashmir India" movement of the Indian
 National Congress, rejected this revolutionary
 and Democratic movement and goaded his
 men to oppose and fight against this movement
 and asked them to cooperate with the
 Maharaja. Gulam Abdul, the Muslim Conference
 leader, talked openly and appealed to the
 Muslim Community of the State not to join hands
 with "Quit Kashmir" movement against the
 Maharaja. On the contrary, Indian National
 Congress came only in support of the people
 of the State and their movement and condemned
 vehemently the atrocious Dogra Rule.
 Jawaharlal Nehru left Delhi on June 18,
 1946 for Kashmir to look into the matter
 on the spot but was apprehended by the
 Dogra soldiers on the borders of the
 State and was not allowed to enter the
 State and meeting the people's representatives
 Nehru's imprisonment set a wave of
 resentment throughout the length & breadth
 of the Country including Kashmir. He however
 departed from the State on June 22, 1946.
 When later the ban was lifted, Nehru
 visited the State on July 24 and assured
 people of the State Congress's continued
 cooperation with people of the State for
 their legitimate demands of constitutional

†. What the Muslim Conference — which had been termed by the Pakistan Representatives at the U. N. and the Pakistani propagandists as the truly representative body of Muslims of Kashmir — doing at that time? Prem Nath Bazaz — whose name was quoted by Malik Feroz Iqbal Noon, Pakistan Foreign Minister, in the S. C. as one of the two Hindus who had have supported the State's accession to Pakistan — writes

" The League president (M. A. Jinnah) was of the opinion that the Quit India movement had been started by the Congress with the dual purpose of overthrowing British rule and annihilating the Muslim League, Similarly the aim of Quit Kashmir agitation was to coerce the Maharaja recognize N. C. as the sole representative of the State people in utter disregard of the popularity of the Muslim Conference among Kashmir Muslims.

Members of the High Command of the Muslim Conference, however, were dazzled by the publicity which the Congress press gave to the imprisoned nationalists and their agitation. . . . Incapable of doing any constructive work in the field of politics, the leaders of the Muslim Conference remained mentally absorbed in search of a pretext to start an agitation against the Govt. . . . Jinnah warned them against taking such step. . . . In the middle of Oct (1946) the Muslim Conference leader proposed to hold their annual session in Srinagar. . . . poor

attended meeting was held at Jama Masjid on the 24th of Oct.

- " on the following day Orhan Khan Abbas, the president of the Conference other leaders were taken into custody.
- " The lead given by Abbas as we shall see presently proved really suicidal for the Muslim Conference and Catastrophic for the Country in general and the State Muslims in particular. It exposed the weakness of the Muslim Conference organization and the inefficiency, incapability and unintelligence of its leadership."

BP 795 At the dawn of independence, when Pakistan was created a separate sovereign state, and the question of accession of princely states arose, Jinnah realised that the people of the state of J & K, though predominantly Muslim, would not join the Pakistan - N. C. with its popular leader Sheikh Mohammed Abdullah, was openly against the Jinnah doctrine of two nations. He looked now more towards the Hindu Maharaja; the latter being in constant fear of losing his throne with the accession of the state with India. The Maharaja autocracy could never co-exist with the principles of Gandhian democracy which the N. C. upheld. Jinnah, noted for his farsightedness, who had opposed the 'Quit Kashmir' movement, was in a dilemma. Jinnah was impatient the latter lost his balance & launched a massive attack on India in Kashmir. On 25th Oct the invaders reached on the outskirts of Srinagar. The Maharaja signed

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maharaja signed the ~~invalde~~ instrument of Accession and acceded to India on the following day.

On Oct. 27, 1947, the maharajah appointed the popular leader of the state, Sheikh Mohammad Abdullah of the N. C., the Chief Emergency officer. Thus a saga of struggle against the autocratic rule of the state rulers came to an end and govt. passed into the hands of the representatives of the people.

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Constituent Assembly

Bp. 825

The people had risen against the autocracy of the Maharaja. They were clamouring for a Constitutional Govt and the Rule of Law. The ~~N.C.~~ National Conference boycotted the Royal Commission appointed by the Maharaja to look into the people's grievances. They submitted, June 1944, a memorandum. In its 29 & 30 Sept. 1944 session the N.C. endorsed the memorandum. This has come down to be known as "New Kashmir" Manifesto — aspirations of the people to have a new Kashmir to live minus Maharaja's autocracy. The "New Kashmir" envisaged a Constitutional Govt and for that the National Conference demanded a Constituent Assembly to formulate the Constitution of the State.

Independence with simultaneous lapse of Paramountcy placed the people's fate at stake: it was tilting. The Maharaja was working laboriously to maintain his autocratic rule. The N.C. sent its man Lahoriya Ghulam Mohammad Sadiq to Pakistan to extract some recognition of the sovereignty of the people and their inherent right of self-determination. The League and the Muslim P. Minister and the Governor- General sent back the Muslim Representative of the National Conference — the organisation which had manifold more Muslim members than the Muslim League's counterpart in the State, Muslim Conference, had ever had in its life. Sadiq tells his disappointment.

Before the invasion, the N.C. deputed me to approach the Pakistan govt at the highest level to recognise democratic rights of the Kashmiri people for self-determination & abide by the sovereign will of a free people on the question of free association with either of the Dominions. I met Pakistan's Prime Minister and other Minister, but it was of no use. We see finally put into operation a programme of first enslaving and then securing 'yes' in their favour from an enslaved people."

(Statement appeared in the press on 10 Dec. 1947).

Sp 826. The people of the State were now aware where their long-cherished ambition of the sovereignty of the people could be realised. They were aware now where their hope of "New Kashmir, where" we shall build again the men and women of our State who have been dwarfed for the centuries of servitude, and create a people worthy of our glorious motherland, could be possible.

The people of the State, on Oct 26, 1947, tied their destiny with the people of the rest of India. The unity was final, irrevocable and permanent. The people of this territory were to share the misfortunes & fortunes of the whole nation together.

Destinies united, the people of the State started on the road to make reality what so far had remained only an ambition.

on 27th Oct. 1947, the Maharaja appointed Sheikh Mohammad Abdullah as the Emergency officer. He was the first popular man to hold the ~~reign~~ ^{reins} of administration. While taking over the office he took oath for allegiance to the Maharaja but, oath was a constitutional bit. The oath was meant to the people. The people were sovereign from that day onward.

On 5 March 1948, a little more than five months after accession, the Maharaja of the State issued this Proclamation: (See 2014 addn full text).

Bp 827

The Proclamation, it may be taken into note, was made over six months prior to the UNCIP Resolution of 13 August 1948.

In Oct. 1950 the General Council of the National Conference issued a mandate to the Party for the Convocation of the C. A. The resolution stated:—

"The indecision and unrealistic procedure adopted so far has condemned the people of the State to a life of agonising uncertainty. The All J & K N. C. is gravely concerned & can not any longer afford to ignore the perpetuation of these conditions of doubt and frustration. In the opinion of the General Council therefore, there has come when the initiative must be regained by the people to put an end to indeterminate state of drift & indecision."

The General Council recommends to the Supreme National Executive of the people to take immediate steps for convening a C. A. based upon adult suffrage and embracing all sections of the people and all the constituents of the State for the purpose of determining the future shape and affiliations of the State of J & K. In this Sovereign Assembly embodying the Supreme will of the people of the State, we shall give ourselves & our children a Constitution worthy of the traditions of our freedom struggle & in accordance with the principle (B/3822) of New Leash mir.

In pursuance of the wishes of the people and in line with the proclamation of March 5, 1948, the Yuvraj of the State, Maharaja Sri, issued a proclamation on May 1, 1951.

- " whereas it is the general desire of the people of the State J & K that a C. A. should be brought into being for the purpose of framing a Constitution for the State.
- " whereas it is commonly felt that the convening of the Assembly can no longer be delayed without detriment to the future well being of the State.
- " and whereas the terms of the proclamation of the Maharaja dated 5 March 1948 in regard to the convening of national Assembly as contained in clauses 4 to 6 of the operative part thereof do not meet the requirements of the present situation.

" 9, YUVraj Karam Singh, do hereby direct as following:

1. A C. A. consisting of representatives of the people, elected on the basis of adult franchise, shall be constituted forthwith for the purpose of framing a Constitution for the State J & K.
2. For the purpose of the said elections the state shall be divided into a number of territorial constituencies, each containing a population of 40,000 or ~~as~~ as near thereto as possible, and each electing one member. A delimitation Committee shall be set up by the Govt. to make recommendations as to the number of constituencies and the limits of each constituency.
3. Elections to the C. A. shall be on the basis of adult franchise, that is to say, every person who is a state subject of any class, as defined in the Notification No. is not less than twenty-one years of age on the first day of March, has been a resident in the constituency for such period as may be prescribed by the Rules, shall be entitled to register in the electorate rolls of that constituency, provided that any person who is of unsound mind or has been so declared by a competent Court, shall be disqualified for registration;
4. The vote at the election shall be by direct and secret ballot;

5. The C. A shall have power to act notwithstanding any vacancy in the membership thereof;
6. The C. A shall frame its own agenda & make rules for the governing of its procedure and the conduct of its business.
- "The Govt. shall frame its own agenda and make rules and issue such instructions and orders as may be necessary to give effect to the terms of this Proclamation."

Bp 829

In pursuance of the Proclamation, the elections were duly held in Sept. 1951 & 75 members were elected to the C. A. Twenty five seats of the Assembly, reserved for the territory of the State under illegal Pakistan occupation, remained vacant. The first sitting of the C. A was held on Oct. 31, 1951, at Srinagar.

The leader of the House and the P. M of the State Sheikh Mohammad Abdullah, emphasising the need of the fulfilment of the common aspirations of the people of the State, thus began his opening address on Nov. 5, 1951.

"Today is our day of destiny. A day which comes only once in the life of a nation."

"After centuries, we have reached the harbour of our freedom, a freedom, which, for the first time in history, will enable the people of J & K, whose duly elected representatives are gathered

Seminar on "Inter-connection between Indian federalisation process and inter-regional relations in J&K State", on 3, 4 and 5 January 1982.

Seminar paper No.5

"The Role of Jammu in Kashmir Accord"

* By Ravinder Singh

The political developments in the State of Jammu and Kashmir as a sub-system of the Indian political system which emerged in its present form with the independence of the Indian sub-continent in August, 1947, have been speedy and have rather followed a more chequered course than any other constituent state of the Union of India. In the sequence of this development, the cultural composition of the State's, main regions, namely the Valley, Jammu and the Ladakh, and its unique geographical position in the subcontinent have played a significant role. Transfer of power by the British to the two newly created states, namely India and Pakistan formed the perspective in which Jammu and Kashmir was faced with the question of its future affiliations. Even after the State's accession to India, it for a long time in the currents and cross currents of international power politics which influenced the course of its political development, particularly its constitutional relationship in the Indian federal set-up. It seems to be a truism to state that Jammu and Kashmir was far more affected by international events and circumstances than any other state in India. Despite Pakistan's frantic efforts, to annex the state through the force of arms it finally acceded to the union of India, in October, 1947, parting with the subjects of Defence, Foreign Affairs and communication in favour of the federal centre.

An observer of the scenario of political drama in the part of the country may not take long to realise that the attitudes and responses of the people in the Valley, Jammu and Ladakh have not been uniform in regard to the quantum of autonomy retained by the State as a whole in the federal configuration of powers. For instances, Jammu region stressed greater integration with the centre and the Praja Parishad Party, the predecessor of the State Jana Sangh & later on Janata Party, stressed on one President, one Constitution and the one Flag for the whole of the country and opposed the formation of a separate constituent Assembly to prepare the state's own constitution. Ladakh even expressed its wish to be centrally administered territory.

Since the accession, the State has passed through a number of phases in the evolution of its relationship with the Indian Union, and despite the rigidity of art. 370 of the country's constitution incorporating the accession, the state and the union have come constitutionally closer since 1953.

The Accord reached by the Prime Minister and Sheikh Abdullah in 1975, regarding the relationship between centre and the State constitutes a land mark in the political development of the State. The object of this paper is not to undertake summary presentation of the constitutional development in the State since independence, but to focus attention on the substantive features of the accord and Jammu's role and responses to the same.

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The nature of Jammu's response to the initiation of talks between Parthasarthy, the Prime Minister's negotiator and Mirza Mohammed Afzal Beg, the Sheikh's spokesman was a highly complicated one. The State Jana Sangh backed by its national level leadership suspected that the national government might concede more and more autonomy to the state and that would be from party's point of view as perceived by it contrary to the national interest. In this connection, the hostility of the party to the negotiations related back to the event of 1953, when on the question of autonomy there developed a crucial crisis in the state which led to the dismissal of the Sheikh Government and the beginning of what amounted to 22 years period of his remaining in political wilderness from the State and the national politics. The Jana Sangh seems to have been apprehensive of the adverse effect of the Sheikh's return to power in the State on the process of increasing centralization of certain subjects which had been witnessed between 1953 and the negotiations leading to accord in 1975.

Here, we may briefly refer to certain facts and development which have in their own way contributed to the return of the Sheikh to the main stream of national politics and culminating in the accord. Both at the national and state levels, there were some who wanted to effect an understanding between the Sheikh and the national leadership. Some-time before Nehru's death in May, 1964, effort were on to explore avenues for effecting an understanding with the Sheikh but these were slowed down by Nehru's illness and halted later by his death.

The liberalisation policy embarked upon by ruling party in the State found encouragement from the Nehru Government at the centre and it was in no way frowned upon by his successor at the centre. In the State, the Socialists had campaigned for civil liberties and opposed the detention of the Kashmiri leader Sheikh Abdullah. The leaders like Shri Om Parkash Saraf and Mr. Balraj Puri also created such atmosphere which led to the adoption of liberalisation policy by the State.

During the Chief Ministership of Ghulam Mohammed Sadiq and Syed Mir Qasim, the ruling party in the State started the policy of liberalisation and made concerted efforts to rally Kashmiri leader in the State's politics to join the ruling party. In the multi-dimensional development of the state in terms of the State's constitutional set-up within India.

In 1968, Sheikh Mohammed Abdullah convened Jammu and Kashmir's convention at Srinagar which was inaugurated by Jaya Parkash Narayan who emphasized the settlement with the Sheikh within framework of the Indian Constitution. In that conference, the Sheikh adopted, as suggested by Jammu leader, a model constitution for the State in which its main regions would be given a high degree of autonomy. That convention consisted of 250 delegates, mostly from the Valley. In that convention, Jammu was represented by three member delegation comprising Shri Balraj Puri, Mr. Ved Bhasin & S. Bachhan Singh Panchi. They insisted that discussion on Inter-regional relation should precede discussions on State's external affiliation. The convention constituted a steering Committee of 16 members. Mr. Balraj Puri was the member of the committee representing Jammu.

The Committee decided that any solution of Kashmir problem should keep in view the urges of the three regions of the State. In the final formula adopted by the convention, the views of the Jammu leaders- though in small number- were fully incorporated. The formula said that any solution of the State's future should be "peaceful, democratic, just and realistic and keep in view the interests of all the regions, strengthen secular, and democratic forces, faster communal harmony and be in conformity with the values of the freedom movement." The convention also adopted an internal constitutional set up for the State, the draft of which was prepared by Mr. Balraj Puri, "envisaging maximum devolution of power and largest measure of autonomy for its three units". Again in 1974 a convention of the leaders of

Jammu and Ladakh was called by Sheikh Abdullah at Srinagar. He sought the support of the convention on the basis of the formula of people convention of 1969.

The State Jana Sangh remained not only unconcerned to the policy of liberalisation but it also stressed its misgivings regarding the soundness thereof. It perceived the liberalisation policy as an uncalled for the encouragement to Kashmiri leaders, who according to the party appeared to be lying dormant, isolated and intensely frustrated at that time.

While the State Jana Sangh remained adamant against placating the Kashmiri leaders, but some Jammu leaders played a positive role in their attempt to resume dialogue between Kashmiri leader and the centre. Mr. Balraj Puri suggested three conditions for Jammu support to any settlement in this connection. There were:-

- i) irrevocability of accession of the State to India;
- ii) the people of Jammu are taken into confidence and have a say in discussing the manner and extent of retaining post 1953 changes; and
- iii) the legitimate interest of Jammu within the State may be safeguarded. Ultimately Sheikh Abdullah had indicated his inclination to accept these suggestions.

The 1965 Indo-Pak conflict, the Tashkent agreement between the two countries were further links in the chain of events. However, the authoritarian direction of politics in Pakistan, and its breaking up with the emergence of Bangla Desh following the Indo-Pak war of December, 1971, created some "favourable objective situation" for the settlement of Kashmir problem.

The Prime Minister agreed that an agreement with Sheikh Abdullah was necessary to de-internationalise the Kashmir issue. In a meeting with Prime Minister towards the end of 1971, Mr. Balraj Puri suggested a dialogue between the Sheikh and the Centre. He said without prejudice to their respective positions on the issue of quantum of autonomy of the State, the Sheikh should accept the finality of accession and be allowed to participate in the Assembly elections and return to power. The dialogue on centre-State relations could then continue. It was stressed by Jammu leaders that even if differences on the degree of quantum of autonomy were not settled, it should not come in the way of Sheikh's return to power, just as D.M.K. differences with the Centre on the issue of autonomy of the States did not stand in the way of its remaining into power in Tamil Nadu.

As a matter of fact, a major development took place in the wake of new realities- 1971 Indo-Pak conflict. So in an interview with the correspondent of London Times on 9th March, 1972, the Sheikh said that "our quarrels with the Government of India is not about accession but it is about the quantum of autonomy." This among other things formed the basis for the final phase of negotiations between the Sheikh and the Centre. After protracted talks, extending up to three years, G. Parthasarthy and Mirza Afzal Beg, representatives of Prime Minister and Sheikh Abdullah respectively, signed a Six point Accord on 13 November 1974 at New Delhi. This accord bridged the unbreakable gulf between the Kashmir leaders and the Centre.

Before attempting an analysis of Jammu's responses to the Accord, it seems to be not a bit irrelevant to refer to its terms below:

1. The state of Jammu and Kashmir, which is a constituent unit of the union of India, shall in its relations with the union, continue to be governed by Article 370 of the constitution of India.

2. The residuary powers of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about secession of a part of the territory of India from the Union or causing insult to Indian National flag. The Indian National Anthem and the constitution.

3. Where any provisions of the constitution of India have been applied to the state of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal in this behalf being considered on its merits; but provisions of the constitution of India already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable.

4. With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare measures, cultural matters, social security, personal law and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by parliament or extended to the State after 1953 on any matter relating to the concurrent list and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Art. 254 of the constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to the laws to be made by parliament in future under the proviso to clause 2 of that Article; the State Government shall be consulted regarding the application of any such law to the State and the view of the State Government shall receive the fullest consideration.

5. As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that Article as applied to the State should be made by the Legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of the constitution of the State of Jammu and Kashmir relating to any of the undermentioned matters shall take effect unless the Bill, having been reserved for the consideration of the president, reserves his assent; the matters are:-

- a) The appointment, powers, functions, duties, privileges and immunities of the Governor; and
- b) The following matters relating to Elections, namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage, and composition of the Legislative Council, being matters specified in sections 138, 139, 140 and 50 of the constitution of the State of Jammu and Kashmir.

6. No agreement was possible on the question of nomenclature of the Governor and the Chief Minister and the matter is therefore remitted to the principals.

So after listing the terms of the Accord, we make a brief assessment of the responses to it in the Jammu region.

According to a contemporary survey conducted by the Institute of Jammu and Kashmir Affairs, in Jammu 61.53 per cent Hindu and 63.63 per cent Muslim respondents held that there was impact of the emergence of Bangla Desh on Kashmir Accord. The Jana Sangh respondents (92.86 per cent) believed that the impact of Bangla Desh reduced the bargaining capacity of the Kashmiri leaders to balance India and Pakistan. The National Conference and Congress respondents were only 32.14 and 64.41 per cent respectively.

It was also held that the failure of the governments in the State and Centre to win over the loyalty of the bulk of the majority community of the State, and rise in importance of the muslims countries in the world politics and India's desire to be friend them were also factors which led to the Kashmir Accord. 60 per cent muslim, 42.30 per cent Hindu 29.16 per cent congress, 57.14 per cent Jan Sangh and 67.85 per cent National Conference respondents believed in the first factor where-as those who supported the second factor were 60 per cent muslims, 46.50 per cent Hindus. The National Conference and Congress respondents were 50 per cent and 27.08 per cent respectively

It is evident from the above data that the National Conference respondents did not emphasise the impact of Bangla Desh on the politics of the State. Likewise Congress representatives did not attach much importance to the failure of the governments as a necessitating factors for the Accord. By above, analysis it become clear that the Accord was possible because both sides felt it in the face of existing realities.

..6th page

Effect of Accord

The respondents interviewed for this study in Jammu believed that the Accord brought the following effects:-

- i) Reduced corruption (Muslims 63.33 per cent and Hindu 32.69 per cent)
- ii) Finally resolved the Kashmir problem and ended Uncertainty about the future of the State (Muslims 53.33 per cent and Hindu 46.15 per cent)
- iii) Closed emotional integration between the State and the rest of India (Musli 43.33 per cent and Hindu 30.87 per cent)

In Jammu very few Hindus (23.09 per cent) were convinced that it would reduce regional or communal tension and improve administrative efficiency (21.15 per cent)

As far as partywise views were concerned, 82.14 per cent and 31.25 per cent respondents of the National Conference and Congress respectively supported the first factor whereas those who supported the second factor were 72 per cent (Congress) and 53.37 per cent (National Conference) respondents.

Majority of the respondents believed that the main effect of the Accord was frustration among the secessionist camp. 64.28 per cent Jana Sangh and 64.57 per cent Congress respondents supported this view.

Only 45 per cent respondents of the rest of the main parties (From B.L.D., Awami Action Committee and Jamat-e-Islami) believed that Accord resolved the Kashmir problem and reduced corruption.

So we have highlighted the positive and negative role of Jammu leaders. The Jana Sangh had been particularly repulsed by two items in the Accord, namely the opening of the question of autonomy and the Sheikh's insistence on the right of the State to review all the central laws extended to the State between 1953 and 1975. Since 1953, Jana Sangh had opposed the Art. 370 and demanded its abrogation because it wanted complete integration of the State with the union of India. It continued to oppose Art. 370 till the Janata Party, of which State Jana Sangh was a constituent part, contested the election in the State and assured the people that Art. will not be abrogated.

The Jana Sangh also did not perceive greater significance of the abolition of the Plebiscite Front's demand for self determination. This gain had proved to be of lasting benefit to the developing relation between the State and the rest of India, as it rallied the Kashmiri leaders to the support of the democratic government in the State. It is a matter of perception and the State Jana Sangh had displayed its own perception of the national interest.

Whatever be Jammu's earlier misgivings its people broadly supported the accord for the following reasons, notwithstanding Jana Sangh opposition.

1. It was supported by all political parties of India excepting Jana Sangh which showed that it was in the national interest;
2. Sheikh Abdullah was the most credible challenge to pro-Pakistan elements in Kashmir; and
3. Sheikh Abdullah had assured some sort of regional autonomy to Jammu.

Generally speaking, it is true that the State Jana Sangh opposed the Kashmir Accord, but it is equally true that the Jammu leaders have also played positive role in the restoration of democracy and Sheikh Abdullah's dialogue with the centre.

INSTITUTE OF J&K AFFAIRS
Seminar on Dimensions of Jammu Identity
9,10 and 11 April 1984.

The People of Jammu: A quest for identity

By Professor A.C. Bose.

A people's identity is essentially an awareness of their distinctiveness- visible similarities among themselves and differences with others. This awareness to be effective has to be based on certain similarities and separateness in geography, race, language, religion, culture, historic memories etc., but there is no necessary link between such objective factors and an awareness of identity. Sometimes people are not fully conscious of their separate identity, whereas some people may be made especially conscious of their identity on the basis of only a few distinctive characteristics, as with most religious groups or castes engaged exclusively in certain occupations.

Moreover, the identity of a people, like 'recognition' in international law, is not wholly a unilateral affair; it has to be both claimed by the people concerned and accepted by others, and there is often wide gaps between these two. Often the ruling elite denies the separate identity of smaller groups in its own larger interests, while weak backward communities may seek identity with stronger and progressive ones mainly to raise their status and collective self-assurance. The Han Chinese, the Great Russians, the Czocks, the Spaniards, and the Bengali Hindus nearer at home- to name a few- ignored for long the separate identities of weaker groups, like the Hakkas and Meos, the Ukrainians and Karelians, the Slovaks and Ruthenes, the Basques and Catalans, and the Rajbansis, Tripuris and Kachharis respectively. It is also true that many of these groups, who are now very active in demanding rights based on their separate identity, themselves sought to pass on as Hans or Russians or as Bengalis only a few generations ago. In fact, unless very distinctly separated from ones neighbours- which the people of Jammu are not- every community is, more or less, torn by the conflicting claims of micro and meta identity, and the following pages are devoted to the question, how the people of Jammu have fared or are likely to fare in that crucible of conflicting claims.

...2nd page

Geography has not given the people of Jammu that exclusiveness enjoyed by islanders or by peoples of valleys like Kashmir, Nepal or the Brahmaputra. This region is virtually the southern slope of the Himalayas, sliced by streams, that gradually flattens itself into the plain of the Punjab without constituting any formidable physical barrier. While most of this province is washed by the Chenab and the Ravi and their tributaries, Poonch, on the other side of the watershed, is in the Jehlum basin and as such is closer to Kashmir than to Jammu from the point of view of geography.

Even on questions, like race, religion, language etc. there is hardly any visible homogeneity in the province of Jammu. The Gujjar and Bakerwal population of Poonch and Rajouri have physical characteristics quite different from those of the heartland of Duggar desh, i.e. Jammu, Kathua and Udhampur while the majority in Banihal, Kishtwar and Bhaderwah is almost akin to Kashmiris. Only in the three districts named above do the Hindus constitute a majority and Dogri is widely used except among the Sikhs and the Punjabi settlers. The language spoken in Poonch, Mirpur region is closer to Punjabi than to Dogri, while in Doda district the Hindus usually speak Dogri or a local variation of it, while the Muslims use Kashmiri. At the same time it is true that the Dogri-speaking belt extends south-eastward across the border of this state into parts of Gurdaspur, Hoshiarpur and Western Himachal Pradesh. Even the historic pride of the Dogras cuts across the present day frontiers of Jammu and they are as proud of the achievements of Zorawar Singh as of those of Raja Jagat Singh of Nurpur across the Hindukush in 1644. So, the question that still haunts one is what are those that are common to Jammu and definitely different from its neighbours. In fact, if Maldev or Ranjit Dev was ever exhorted to unite and to be the ruler of what is today Jammu province they would have replied with surprise, why this particular area from Poonch to Kishtwar and not the Dogra-majority areas to the south and east. In India Janas were always more important than janapadas and people identified themselves not so much with the land they lived on as with the group they belonged to or the faith they believed in. So, in the past, if there was any consciousness of identity it might have included the Dogras of, probably, both the Dogarh

and Trigarth regions, who were united through ties of languages, religion, commensality and matrimony.

It was only after 1846 when the modern State of J&K and the Jammu province took shape- although for a couple of generation thereafter Poonch remained virtually independent, while the Jagirs of Bhaderwaha and Chenani enjoyed considerable autonomy- and the objective setting was created for the people of Jammu to develop their sense of identity. Still, not much of it was visible until the second quarter of this century. There was a certain pride- mostly among the Rajputs -that the ruling house of Jammu had become the ruler of the entire State, but no effort was made to project their own region. Rather, as it often happens- the Turks were proud of Constantinople and Babar of Delhi then conquered- they were proud of their acquisition, Kashmir and Jammu was left to oblivion. Tourists went to Kashmir from Rawalpindi by passing Jammu, the residents were usually referred to as those of Kashmir while expressions, like K.A.S. and K.S.R. suggest that the Dogra rulers from Jammu or their officials did not spare much thought for the culture, reputation and development (industries and tourist traffic) of their real power base.

Even this period of Dogra glory, especially in the use of arms, did not witness any outburst of literary or artistic activity glorifying their achievements and sketching their future greatness, as it happened in Bengal and Maharashtra in late 19th century. Here in Jammu literary and artistic activities were there but their themes, like those of Kavi Dev Datt, Pt. Ganga Ram or Kaka Ram Sastri, were usually of ancient myths or scriptures. Until the advent of Lala Ramdhan and Pt. Hardatt, Dogri literature continued to be inspired by the remote past and not by the heart beat of the living present. If the literary renaissance that followed together with the challenge from Kashmir since 1931 were to give new self-consciousness to many in Jammu part of that exclusiveness was lost when, in the middle of this century, Takari was finally discarded in favour of Devanagari script as the vehicle of Dogri language.

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The people of Jammu really became conscious, if not of their elusive identity but of their urgent need of it, only after the traumatic events of 1947. After full one century the state's centre of political gravity shifted to Kashmir and the former rulers found themselves ruled by their former virtual subjects under a new dispensation. Loss of political power meant fewer employments and the relative absence of economic leverage in an age when most developmental activities had to be state-sponsored or subsidised. The impression spread fast that Jammu was being exploited and discriminated against and the only way the people of Jammu can muster the necessary bargaining power is through united action. This led a search for identity as defence mechanism against Kashmiri dominance. Since even absolute unity within the province of Jammu- as happened in the last assembly election- cannot pull its people out of their permanent minority status many of them toy with the idea of separation from the valley and its merger with Himachal Pradesh (as was first suggested by Hari Singh to the British resident in late 1931) or its emergence as a separate State by itself. But they also realise that just as they do not welcome a merger with the Punjab similarly the Himachalis do not welcome merger with Jammu, while larger political considerations will never persuade the Government of India separate Jammu from Kashmir and to leave the valley as a State by itself. So, despite manifold grievances and inconveniences, people of Jammu are virtually reconciled to their present situation within the State of J&K. Their quest of identity seeks to emphasise their differences with the neighbouring Punjabis as well as their own unity in the face of Kashmiri domination. Since the dividing line between the Punjabis and the Dogras is a rather blurred one (even in the last decade of the 19th Century the British resident admitted that the Punjabi is no foreigner, at least, in Jammu) most punjabi settlers here co-operate in this quest for identity and unity by declaring themselves as Punjabi- Dogras and Dogri as their mother-tongue, which is usually not true. Conscious efforts at promoting drive and unity is certainly not true. Conscious efforts at promoting drive and unity is certainly welcome and will prove useful in future, and one has to discover and delve into their cultural heritage for the sake of inspiration and confidence; but is it necessary to promote exclusiveness in the name of identity.

PRE-INDEPENDENCE POLITICS OF JAMMU- A
AUTOBIOGRAPHICAL VIEW

By Gopal Dutt Mengi

The first regular political stir which ultimately became violent, is known to have started in Jammu and Kashmir State in 1931, mainly instigated by the British India Government following their strained relations with the Maharaja of the State.

Thereafter a Commission of Enquiry headed by the British Political Officer and named Glancy Commission after him was set up. Hindus of Jammu boycotted it on account of its communal terms of reference. Their nominee on the Commission, Pandit Lok Nath Sharma, Advocate resigned from it.

As apprehended, the Glancy report recommended communal representation in service and separate communal electorate for the newly proposed State legislature. This was a signal of the first protest movement by the Hindus of the State against the government headed by a Hindu Maharaja.

Among those who led the protest in Srinagar and were arrested included Pandit Keshab Bandhu (later a colleague of Sheikh Mohammad Abdullah) and Pt. Jia Lal Kilam advocate (later a judge of the State High Court.)

I made my debut in public life by joining a protest procession against the report in the third week of May 1932 as a youth leader and defying section 144. I was sentenced to four months rigorous imprisonment. Sarlar Mohinder Singh who was dictator of the movement however got a sentence of six months and all other were sentenced to two months imprisonment.

I had then taken the intermediate examination of the College. The movement fizzled out and I was released after completing my full term, when I resumed my studies.

The next movement in which I participated actively was known as Go-Raksha (Cow protection) agitation. In 1936 a sinister attempt was made to dilute the provisions of Cow protection Act,

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which prescribed maximum punishment of ten years imprisonment for killing a cow or its progeny.

In one case, the state High Court ruled that as the act of cow slaughter was committed at night and secretly, the sentence be reduced to one year. The ruling offended the religious sentiments of the Hindus of the State. But the High Court Bench comprising Justice Abdul Kayum and Justice Wazir Jankinath rejected a revision petition against it. Thereupon, an organisation called "Hindu Sikh Naujawan Sabha" was formed in June 1936 with Sardar Dilar Singh as the President and myself as its General Secretary, to fight out the issue. The agitation spreaded like a wild fire throughout the Jammu region. People from every part of it offered satyagraha. Soon all jails and sub-jails of the Jammu region were full. All office bearers of the organisation were arrested and sent to far off jails. A general strike, first in the history of the State, continued for 36 days. The agitation was withdrawn on the interventions of Pt. Krishan Kant Malvia, a nephew of Pt. Madan Mohan Malvia and a member of the central assembly. Maharaja of the State who was in Europe at that time returned and issued a royal proclamation declaring that the controversial judgement of the High Court would not be treated as a ruling and the concerned law in its original form shall continue as such.

Jammu and Kashmir State has passed through many political upheavels and changes since then, but on account of this agitation, no State government has ever dared to challenge, amend or dilute this standing law on Cow slaughter.

I was elected President of all Jammu and Kashmir Rajya Hindu Sabha in the first Hindu conference called after the agitation for Cow protection.

In 1943, there was a spurt in food grain prices due to war time scarcities. Political parties organised protest meetings against this rise in prices. But the government response was negative. Thereupon, a big public meeting of all communities was organised which was addressed by leaders of all political parties of the State and followed by a big procession in Jammu city. Leaders of all parties including Muslim Conference Congress party, National

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Conference and Akali Dal choose me to lead the agitation in an organised manner. In spite of the provocation by the local administration and growing anger of the people, we managed to keep the agitation peaceful.

However, in the same evening I along with a colleague Kaviraj Vishnu Gupta was arrested for organising this protest after I had resigned my membership of the State Advisory Board for holding price line of essential commodities which had been formed under the chairmanship of the Revenue Minister of the State Shri Hukam Singh Maheswari.

This further provoked the people and a police jeep and a truck were burnt down by the agitated mob. On the next day Government resorted to unprovoked indiscriminate firing when volunteers were going in procession to court arrest who were followed by a big procession of all communities. Seven people, five Hindus and two Muslims were killed in this firing besides causing injuries to many. Firing was so indiscriminate that people were fired at and killed even in nearby lanes. This raised a great furore not only in the entire State but also in the adjoining areas of Punjab. The Government was forced to institute a three Member Enquiry Commission headed by Justice Madgaonkar, a retired Chief Justice of the High Court, Justice Sen a retired Judge of High Court and also a sitting judge of the State High Court Justice Qazi Masud Hassan. Public demanded my release from Jail as I had been unanimously elected Chairman of the public defence Committee with Mr. Allah Rakha Sagar, the General Secretary of the State Muslim Conference, as its General Secretary. This Committee was formed to place before the Commission all facts and evidence in connection with the police firing. The State Govt. after great hesitation released us. Dr. Saifuddin Kitchloo, bar-at-law and a famous nationalist leader of Punjab was engaged to fight out the case. Of course prominent Members of the local bar Association including Ch. Ghulam Abbass, Advocate, President Muslim Conference and others assisted Dr. Kitchloo in presenting our case before the Commission.

After prolonged enquiry, the public stand was vindicated and the concerned Officers were found guilty of excesses and unprovoked firing. The District Magistrate and the Police Chief of

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the region were censured for providing poor leadership, the magistrate on duty was prematurely retired, Mr. Raghunath Kaul, A.S.P. and concerned police staff were dismissed from service and a relief of Rs. 5000/- was given to the families of each of those killed.

Soon after this I had to take part in another local agitation. There was a jagir consisting of about 50 villages in Jammu Tehsil where Rajput Jagirdars of Jindrah used to get their share of produce in kind from cultivators as revenue. This system was much abused as jagirdars would enter the houses of cultivators unannounced and search their houses demanding even half of the vegetables they were growing for their own use in a marla or two near their kitchen.

Peasantry was awfully poor and exploited. Indeed they were the poorest in Jammu district. I visited these villages several times and organised them in a Kisan Conference. Pt. Nek Ram, a local worker was always with me. In this Conference it was decided to ask the jagirdars and the administration to accept their share of revenue in the form of cash, as was being done in the rest of the State. It was also decided that they would no longer pay their revenue to jagirdars in kind.

Jagirdars refused to accept their share in cash. They insisted on getting half of the agricultural produce. Revenue authorities tried to help the jagirdars and threatened dire consequences if the peasantry refused to give the jagirdars their revenue in kind. All the fifty or so numberdars of the jagir completely non-cooperated with the revenue authorities. This struggle continued for two years during which the peasants did not pay any produce in kind and no revenue in cash was accepted from them; ultimately the case was decided in favour of the peasants. This was perhaps the first successful kisan movement of the State.

During this period I had to visit "CHENANI" a bigger jagir, in connection with my political work. This jagir was ruled by a hereditary Raja Ram Chand who enjoyed the powers of District Magistrate, Sessions Judge, Superintendent of Police, Chief Conservator of Forests and Chief Revenue Officer, all combined in one. He was a great tyrant and had forcibly taken possession of many good agricultural land holdings including cremation grounds. He allowed no political

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activity in jagir. He would implicate people in wrong cases whenever they tried to organise themselves.

On my return from Chenani I learnt that he had instituted false cases against people who received me and helped in organising a public meeting. This naturally upset me and my colleagues.

Therefore we decided to awaken and organise people in the jagir. Jyotshi Ram Krishan, editor "Desh Sevak" a local weekly who was also a great organiser toured through every village of the jagir. He had to negotiate high mountains during his extensive tours of the jagir. Not only he collected political data of Raja's misdeeds but also succeeded in inspiring certain local cadre for the future struggle. Th. Maiya Ram and Th. Jodhu Ram and Ch. Daya Ram, Abul Rahim and mistri Mohd Shafi were most outstanding among them. Then I also toured through-out jagir and addressed public meetings at different places.

An intensive publicity campaign was also organised against the Raja and his misdeeds. Then a political Conference was held in Chenani town in which many political leaders from whole of Jammu region participated, processions were also organised and the movement acquired a great tempo.

The Raja tried to curb this movement by arresting and publically parading the arrested local leaders in bazars to over-awe the public but this further aroused popular anger against him.

Eventually the Raja yielded and invited me for talks. I, alongwith local leaders of Chenani and few press representatives from Jammu went to the meeting. We discussed for two days and he agreed to many of our demands. But soon he turned back and refused to honour the agreement.

The agitation was started again. We organised many demonstrations. Ultimately Jammu and Kashmir government sent its Revenue Commissioner, Wazir Feroz Chand, to find out and report the facts. We met him at Batote where he had arranged for revenue records of Chenani to be made available. Sh. Jagan Nath, Advocate of Udhampur was of immense help to us. The revenue records were found to be tampered with. Many pieces of land were shown to be in possession

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of Raja incorrectly. A piece of land which was a cremation ground according to original records was also shown as Raja's property.

The Revenue Commissioner reported back to the Maharaja of Jammu and Kashmir which ended the intransigence of the Raja. The Jagir was ultimately abolished after independence.

I contested for legislature Assembly in 1946 from Jammu city and was opposed by the establishment. I was elected inspite of the strong opposition by the then Government headed by Rai Bahadur Ram Chander Kak who was in favour of independent Kashmir under Maharaja.

In 1947, during State assembly session in Srinagar all Hindu members of the State assembly, elected as well as nominated, of Jammu region / province met at my instance to discuss political situation in the State. That meeting was also attended by Sh. Ram Lal Kapoor, M. A of Muzzafrabad in Kashmir province. He informed the Members that there were reports of smuggling of arms into muzzaffrabad area from across the border with Punjab. Thereupon a memorandum was sent to the Maharaja apprising him of the situation in the border district of Muzzafrabad and requesting for an interview with him. I got a message to meet Th. Nischint Chandel brother-in-law of the Maharaja and also Swami Sant Dev, a spiritual guru of the royal family who would allay our fears. They tried to assure us that the State administration and Maharaja himself were fully alive to the developing situation and were fully prepared to meet it. They also justified the Maharaja's efforts to keep the State independent of the two new dominions of India and Pakistan. I was then asked to write a letter to His Highness informing him that I was fully satisfied after meeting Swami Sant Dev and Th. Nischint Chandel which I flatly refused.

Maharaja never cared to grant an interview to us although it had been demanded jointly by all the Hindu legislators of Jammu province. He had completely shut himself off from all public men and was completely surrounded by short sighted and selfish people.

The Jammu and Kashmir Rajya Hindu Sabha was divided into two camps. The pre-maharaja group which included Sh. Shiv Nath Nanda, Kavi Raj Vishnu Gupta and others supported his ambitions of making Jammu and Kashmir State an independent state whereas I and my

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colleagues like Jyotshi Ram Krishan, Dhanpat Rai advocate and Raizada Amarchand and others demanded immediate accession of the State to the Indian Union as soon as the country became independent.

Despite resolute opposition of our group the working Committee of the Jammu and Kashmir Rajya Hindu Sabha passed a resolution in May 1947 reiterating its faith in the Maharaja and extended its support to whatever he was doing or might do on the issue of accession.

However we mobilised popular pressure against this stand and forced the pre-Maharaja dominant group to adopt a compromise resolution in a meeting presided over by Pandit Prem Nath Dogra leaving it to the Maharaja to decide the issue of accession to India at an appropriate time.

After the State's eventual accession to India communal parties became an anachronism. We therefore, decided to merge our group with the National Conference to strength secular base of the politics of the State.

However, differences soon grew between us and the National Conference leader and the State Prime Minister Sheikh Mohd Abdullah on a number of issues, including his policy towards Jammu and his insistence that I should have no links with national leaders.

I suspended my political activities after that but resumed them when Bakshi Ghulam Mohd invited me to rejoin the National Conference in 1957. Later I had the privilege of representing my state in the Lok Sabha from 1962 to 1967.

Recalling my political career of eventful years before independence, I might clarify that Jammu region's politics was almost neatly divided in those days on communal lines and the leadership of the Hindus of the region was, in a way thrust upon me. But, while the first movement-cow protection-was a religious one and not communal, the rest of the movement had a definite secular and socialistic content in them.

Moreover, I was instrumental in bringing politics out of the Darbar to the people and insisted during the crucial controversy on the accession issue that loyalty to India was more important than loyalty to the ruler.

Pre-Independence Political Movements of Jammu

By Balraj Puri

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History has never been a great asset of the Jammu region. On account of wide linguistic, religious and ethnic diversities, political and social instabilities and lack of fixed geographical boundaries, there is no continuity in the accounts of its past.

Not to speak of the distant past, even the history of the freedom movement in the region has neither been properly recorded nor evaluated. The bloody surgical operation which cut the region in two parts in 1947 so changed its political and social landscape that almost a new Jammu was born thereafter. Old Socio-political institutions, old values, old parties and old leadership became suddenly redundant.

A rootless new generation therefore started emerging in Jammu. Which either made opportunistic adjustments with the new set up or sought compensations of the present humiliations and frustrations in revivalist movements through glorification and mythologisation of a past that could be revived.

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Yet the present cannot be understood without a study of the past. The past or its perception persists in the collective subconscious of the people and influences its present behaviour.

A study of the pre-independence politics of Jammu is therefore imperative not only for understanding its present but also for healthy growth of its personality.

Moreover, aside from the difficulty of getting reliable data of the period- mostly in Urdu which is no longer the language of scholarship in the region- definitional and conceptual questions pose a more formidable problem.

What exactly constitutes the freedom moment? At the macro national level, it obviously meant a movement the objective of which was to end the British rule over India. But a number of micro movements contributed to it which owed their origin to local causes.

The gurdwara movement in Punjab in twenties, which merely aimed at reform in the gurdwara administration was, for instance, hailed by Gandhi as the first victory of the freedom movement..

Likewise , political movements of Kashmir valley, led by Sheikh Abdullah for half a century, were primarily motivated by the urge for assertion of Kashmiri identity, which mainly comprises of the Muslim community and perceived threat from the autocratic rule, Pakistan raiders and Indian government in different periods. Thus all struggles of Kashmiri people under as divergent type of banners as the Muslim Conference, the National Conference and the Plebiscite Front are described as freedom movement.

Political awakening in Kashmir, to start with, did not have any anti-British manifestation at all. In their struggle against the rule of the Maharaja, who was non-Kashmiri and non-Muslim, Kashmiri Muslim in fact, looked to the British government and pro-British Muslim leaders of the British India for sympathy and support which they did get. It may be a little more than a coincidence that unrest in Kashmir started when Maharaja Hari Singh's relations with British paramount power were strained. But when their relations improved and the pro-British and feudal Muslim leadership from outside the state withdraw its support from the Kashmir struggle or could not cope with its radical content, it welcomed in support of the Congress and thus got diverted towards the mainstream of the national freedom movement. Even then the thirst of the movement was more anti-Maharaja than anti-British.

Jammu , on the other hand , lacked a sharply defined regional identity and was directly influenced by events in the British India, particularly Punjab. Unlike Kashmir, there were no local causes to contribute to the nationalist upsurge in the region. Jammu came under the influence of the national movement directly and much earlier than Kashmir did.

During nineteenth century the whole state witnessed political disorders, warfare and natural calamities. By the turn of the century, the political situation in the State was settled and the administration was well established. It was at that time that Jammu started experiencing reverberations of the political and social awakening in the

rest of the country. The new consciousness was reflected in the urge for starting newspapers and associations by the emerging elite; in the field of religious and social reform since politics was still a taboo in the State.

Lala Hans Raj Mahajan was the most outstanding leader of that phase of Jammu's history. He pioneered formation of associations of various communities like the Mahajan Sabha and the Rajput Sabha as also of the Anjuman-i-Islamia and acted as their honorary secretary which ensured their mutual cooperation in the common task of social reform.

The first secular organisation of the State, also non-political to start with, was Dogra Sabha founded by no other person than Hans Raj in 1904. He dominated the entire social reform movement in Jammu region for half a century from 1892, when he entered public life, to 1944 when he died. His field of work included campaign for Swadeshi, temperance, rights of women, spread of education, economic betterment of backward areas, reform in ceremonies observed at marriage, death and other social occasions, help to widows and orphans, cow-protection, cleanliness and redressal of grievances against omissions and commissions. Needless to remind that these activities were vital adjuncts of the national freedom movement.

Hans Raj started first two monthly newspapers named the Dogra Gazette and the Mahajan Niti Patar in 1907.

During this period Arya Samaj also extended its work to the State. Its role was particularly noteworthy in the eradication of untouchability. It faced hostility of the State government on two counts. Firstly, the ruling family was traditionalist Hindu and secondly the Samaj was politically suspect in British India.

Its work among Harijans offended the orthodoxy. In a brutal attack on a Harijan meeting at Batahra, on Jammu-Akhnoor road an armed gang of caste Hindus murdered an Arya Samaj leader, Ram Chand, in 1923. His martyrdom, however, gave a fresh impetus to the Harijan reform work.

The unfinished work in social reform of Hans Raj and Ram Chand was taken up by a more militant personality of Budh Singh who added a political dimension to it. He resigned from the prestigious post of a deputy commissioner in 1925 and plunged with a crusading zeal in the task of eradication of untouchability, end of bagar system (forced labour), promotion of communal harmony and introduction of

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radical political reforms like the establishment of fully elected assembly and responsible government, His saintly life earned him the title of Mahatma from his people.

An active collaborator of Lala Hans Raj and Mahatma Budh Singh was Lala Mulk Raj Saraf who founded the weekly newspaper Ranbir in 1924.

Among the Muslims, Wahabis, Ahrars and Ahmadyas from the neighbouring Punjab provided the catalysts for socio-religious changes.

Thus socio-religious reform movements were the harbinger of political awakening in Jammu. Mahatma Budh Singh, who can rightly be described as father of political movement in the State, radicalised and politicised the Dogra Sabha as its thrice elected president. He called it the Congress of the State. It included members of all communities not only of Jammu but also of Kashmir. The Maharaja banned the party when it gave the call for hartal in protest against the arrest of Gandhi in 1930.

While the political movement in Kashmir was essentially anti-ruler, it was essentially anti-British in Jammu. In fact press and leaders had supported Maharaja Pratap Singh when he was forced to abdicate and Maharaja Hari Singh when he tried to assert the autonomy of the State and favoured freedom of the country at the Round Table Conference.

Thus the protest demonstrations in Jammu on Gandhi's arrest in 1930 raised slogans of Mahatma Gandhi ki jai and Maharaja Bahadur ki jai. But as Gandhi and Kashmir's anti-Maharaja movement grew closer and Maharaja reiterated his loyalty to the British, pro-Gandhi movement in Jammu also lost some of its momentum.

Further, Kashmir's movement was not merely anti-autocracy but its battle cry of Dogra Raj murdabad had also clear anti-Dogra connotation which could not endear itself to the Dogra community. When Sheikh Abdullah launched the Quit Kashmir movement in 1946 and demanded abrogation of the Treaty of Amritsar, he asked the Maharaja to leave the valley and specifically conceded his right to rule over Jammu. The treaty itself had added only Kashmir to the territory of Gulab Singh as he was already the ruler of Jammu at that time.

Meanwhile the Congress Committee in Jammu which was spearheading the anti-British movement in Jammu was asked by its High command to wind itself and join the National Conference which as a regional Kashmiri movement was handicapped in spreading its influence in Jammu.

The anti-Maharaja movement did inspire urban Muslim intelligentsia. But it, too, could not remain integrated with the Kashmir movement when the latter became an explicit expression of Kashmiri identity and not merely Muslim identity. Influence of the Muslim politics of Punjab on Jammu and ideological divergence are often cited as reasons for parting of ways between Kashmir's Sheikh Abdullah and Jammu's Chaudhary Ghulam Abbas. But regional dimension of their differences was no less important.

The character and strength of the political movement in Kashmir and its affinity with the national freedom movement thus inhibited the growth of Jammu's political movement and eventually split its rather weak regional identity along communal lines.

Like Kashmir, first mass political uprising in Jammu started on religious issues. On April 29, 1931, after the Idd prayer, the Imam was asked by a sub-inspector not to address the gathering as it was suspected to be a political speech. But Muslims took it as interference in their religious affairs. In another incident, a copy of the Quran of a Muslim policeman was allegedly thrown and thus desecrated by a Hindu constable.

/uprising It was reaction to these incidents that ignited the first Muslim ~~An~~ Kashmir. The origin of freedom movement is universally traced to those reactions.

Among Hindus, the first anti-establishment upsurge started in 1936 on an incident of cow slaughter in which the High Court sentenced the accused to only one year against the legally prescribed punishment of seven years. Their agitation lasted for 36 days which was terminated on the intervention of Pandit Krishan Kant Malvia and proclamation of the Maharaja that the High Court's decision would not be treated as a ruling binding on future cases.

After Abdullah-Abbas differences and de-recognition of the Jammu Congress Committee, Muslim Conference and Hindu Sabha emerged stronger in the town of the region led by Choudhary Ghulam Abbas and Gopal Dutt Mengi.

The Hindu Sabha was divided in pro-establishment and anti-establishment factions. The first was represented by kaviraj Vaishno Gupt, Shivnath Nath Nanda and Prem Nath Dogra while the latter by Gopal Dutt Mengi, Jyotshi Ram Krishan, Raizada Amar Chhni and Dhanpat Rai.

Mengi took active part in the secular Kisan movements of Jandrah and Chanchni against the local jagirdars. The National Conference, under the leadership of Budh Singh, also actively participated in the latter movement which assumed the form of a mass unurge. Chanchni became a strong base of the National Conference.

Mirpur was another citadal of the National Conference in the region. Its fertile soil produced stalwarts like Budh Singh, Raja Mohd Akhar, Haji Wahab Uddin, Chaudary Mohd Shaffi, Comrade Krishan Dev Sethi, Abdul Khaliq Ansari Master Roshan Lal and comrade Dev Raj. Ghulam Qadir Bande, called sher-i-Poonch, represented the local aspirations of Poonch and made it a secure base of the party.

Shaffi's centre of activities was in Jammu. He carried on a relentless struggle against communal forces. He played an active role in mobilising popular unrest against rising prices in 1943, which culminated in what was called Roti agitation. An all party Committee with Gopal Dutt Mengi as the president and Allah Rakha Sargar (second in command of Gulam Abbas) as its Secretary led the agitation in which five Hindus and two Muslims died of police firing. It was a unique demonstration of the Hindu-Muslim unity.

The momentum of unity could not be maintained for long on account of lack of patronage by the national leadership, limitations of Kashmiri leadership and disunity in the local secular forces. Socialists and communists which comprised these forces were sharply divided on their attitude towards the Quit India movement and interpretation of the Quit Kashmir movement.

However, the most organised and effective secular force was represented by students Union which provided a common platform to the patriotic urges of the younger generation. It initiated a political and intellectual renaissance. Its products have made their mark in many fields of life.

The Maharaja's refusal to accede to the Indian Union was supported by the Muslim Conference and the Hindu Sabha, till the riot wave following the partition of the country, in particular of Punjab, engulfed the Jammu region.

The reassertion of the secular forces after independence and new problems it was confronted with would be beyond the scope of the present study. But even now it is not too late to learn lessons from the pre-independence politics of the region .

In the foregoing broad survey of the political movements of Jammu, we find that they cannot be neatly divided into black and white categories. There were progressive elements in apparently communal movements and reactionary elements in apparently secular movements.

If the pro-British and anti-Maharaja beginnings of Kashmir politics can be treated as an essential part of the freedom movement, contribution of the anti-British and pro-Maharaja beginnings of Jammu politics to the freedom movement cannot be dismissed. The forms urge for freedom took in the two regions were certainly influenced by their objective geo-social situations.

Lack of appreciation by the leaders of one region of the compulsions of the situation in the other and lack of a common conception of what constitutes freedom movement are a major cause of inter-regional mis-understandings and prejudices.

No people are inherently communal or reactionary. Situations and opportunities also determine their role. If Mengi and his entire team joined the secular mainstream after independence, who knows what adjustments Ghulam Abbas would have made with the changed situation if he was allowed to stay on in Jammu.

INSTITUTE OF J&K AFFAIRS, JAMMU

Seminar on Dimensions of Jammu Identity

9,10 and 11 April, 1984.

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POLITICAL ASPECT OF JAMMU IDENTITY

BY YASH BHASIN

The State of Jammu and Kashmir comprises of three distinct and well defined units, namely Jammu, Kashmir and Ladakh. These units, which during the reign of Dogra rulers were known as provinces, are now called Divisions or Regions. The three regions have their separate entity, history, heritage and culture.

The territorial boundaries of the three regions are well defined and categorically mentioned by the Gajendradkar Commission, in its report of 1968.

Jammu region, which administratively comprises of Doda, Udhampur, Jammu, Kathua Rajouri and Poonch districts has an area of 26089.4 Kms and a total population of 20755.90.

The region is not as homogeneous as the Kashmir valley, in respect of religions confessed by its people, the languages spoken, the topography of its different parts, the cultural heritage and the customs and traditions of the people.

Jammu region presents a picture of multi-racial society professing a variety of religions, speaking different languages and heir to composite culture and customs. The percentage of population of Hindus and Muslims in Jammu Province 58.7 and 38.1 respectively. The districts of Udhampur, Jammu and Kathua have a concentration of Hindu population (78.9 per cent) Doda Poonch and Rajouri have majority of Muslim population (72.9 per cent) sikhs live mostly in Jammu and Poonch and form 6.3 per cent of the total population of the region.

The scheduled castes constitute about 17 per cent of the total population of Jammu and 30.7 per cent of the Hindu population in the region.

A number of languages are spoken in the region, Dogri, Panjabi, Kashmiri and Pahari- unspecified being the important ones. A little over 55 per cent speak Dogri in Jammu province.

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but not less than 80 per cent in Jammu district, 77 per cent in Udhampur and 92 per cent in Kathua speak the same language. Punjabi is the mother tongue of only 6% of the people in the whole of Jammu, while 11 percent speak Kashmiri and about 7 % Gnjri in the region. Bhaderwahi, Kishtwari and Pathwari are among other languages spoken in the region.

As compared to Kashmir, no vivid account of the ancient history of Jammu is available. There is no record of its history before the 18th century. It appears that before Raja Ranjet Deva, son of Dhru Deva, proclaimed himself as the ruler of the principality of Jammu in 1730 AD, the separate estates and principalities of Jammu, Kishtwar, Bhaderwah, Basohli, Reasi etc. were ruled as independent sovereigns.

On the death of Ranjit Deva in 1780, the sikhs succeeded in turning Jammu and the neighbouring hill tracts into a dependency. Gulab Singh who had by then entered the service of Maharaja Ranjit Singh was conferred the principality of Jammu on him with the hereditary title of Raja for rendered distinguished service to Maharaja Ranjit Singh.

It was only in the nineteenth century when Gulab Singh had helped the sikh rulers against their war with the British and had acted as a mediator between the British and the Lahore Durbar that on the condition of paying the war indemnity asked for by the British, Gulab Singh was made an independent ruler of Jammu and Kashmir. The Amritsar treaty of 1846, marks the commencement of the history of the Jammu and Kashmir state as a political entity.

However, the urge for regional identity of Kashmir and political consciousness in the valley has its origin far earlier than those in Jammu.

While Kashmiris had started rising in revolt against the autocratic rule, in the beginning of the 20th century, Jammu remained reconciled under the domination of Dogra rulers, though ~~people~~ here was equally oppressed and denied any opportunity of advancement.

The British conspiracies against the Dogra rulers also remained confined to Kashmir valley and did have their least impact on Jammu.

The liberation movement in Kashmir had no positive impact on Jammu. Rather it had hostile reaction in the province, since, to start with, the struggle for freedom from the rule of Dogra kings had muslim communal overtones and even after rechristening of the Muslim Conference into National Conference, the overtones had been anti-Dogra and not only anti autocracy. This is notwithstanding the fact that an individual here and there in Jammu became some-what sympathetic towards the struggle for freedom against autocracy, under the influence of the Congress, which however, had no unit of it in the State.

The urge for regional identity of Jammu has its origin as back as in 1948, little after the transfer of power in the State from the Dogra rulers to the National Conference of Sheikh Mohd. Abdullah, a party, which for all practical purposes, belonged to Kashmir valley alone.

In Jammu, the National Conference of Sheikh Abdullah had never its roots and base. It came into being with power and vanished into the wind with the loss of power to the party, with the exception of some Muslims in Doda district of the region continuing to owe allegiance to Sheikh Sahib and their newly formed party, the plebiscite Front.

The transfer of power from the Dogra ruling dynasty to the so called popular hands was so abrupt and unexpected for the people of Jammu, that but for the abnormal conditions of Pakistani attack on the State, it would have led to an upheaval in the province. The raids from across Pakistan on almost every part of the State, the fall of some parts of the State, the uprooting of over a lakh of people and their influx into those parts of Jammu, which were still under Indian occupation, at the time preceding the transfer of power relegated all other aspects to the background. Jammu could not even conceive of the shape of things to come as a result of change of power.

But after the ceasefire, as the things started settling down the political consciousness of the Jammu-ites started awakening. The Dogras might have reconciled to the new situation and adjusted themselves with the fate accomplished, notwithstanding the fact that an organisation totally alien to them was thrust upon them. But the mental agony they were made to suffer, as a result of their being subjected to humiliation by the Kashmir based rulers, injured their self respect and pricked their conscience.

Sheikh Abdullah might have reasons for entertaining grudge against the Dogra rulers of the State, for his persecution at their hands and injustices perpetrated on the people of Kashmir by the autocratic rule. But he had no justification in bringing in the fold of his wrath against the Dogra rulers, the entire Dogra community and the people of Jammu as a whole. Likewise his general condemnation of the whole Hindu community for the ignoble acts of few during communal riots, was not at all justified for a person who was to rule over the destiny of the people of the State as a whole.

Sheikh Sahib, just after assuming the power in the whole of State, frequently indulged in condemning the entire Dogra community for perpetrating injustices on poor Kashmiri labourers and farmers, forgetting the fact that under the autocratic rule of the Maharajas the common man in Jammu was in no way less exploited than his brothers in Kashmir and Hindus, and Muslims were being subjected to same treatment. Whatever might have been the acts of omission and commission of the autocratic rulers of Jammu and Kashmir, there is no evidence to charge them of discriminating their subjects on communal or regional considerations.

Taking cue from their leader, the lieutenants of Sheikh Abdullah began to play with the honour and self respect of Jammu. Beside discrimination against the region in every field, the leaders of the ruling party ^{would} in their speeches and public pronouncement, talk of Kashmiri culture, Kashmiri heritage and history equating them with those of the State, forgetting or deliberately ignoring the fact that Jammu and K Ladakh had their separate entity with a distinct heritage, culture, history and traditions.

It was not only the Kashmiri leaders who were responsible for ignoring Jammu and even humiliating it, their stooges in Jammu pursued this policy with more vigour. But the height of it was that in their bid to woo the Kashmiris to win their loyalty for India, the Congress leaders in the centre not only ignored the aspirations of Jammu altogether, but spurned Jammu and adopted the posture as if Jammu did not exist for them, notwithstanding the fact that it was the only link between the Kashmir valley and the rest of the country.

...5th page

It was in this background that the first political organisation, in the true sense of the word, in Jammu, the Praja Parishad was born. Though the main aim of the formation of Praja Parishad was not as such to fight against regional discriminations as to protect Jammu & for that matter Hindu majority areas of the State from finally acceding to Pakistan, in the event of a plebiscite to which the Indian Government was committed. Having doubts in Sheikh Abdullah's capacity to carry the majority of Muslims in the State for India in any free expression of choice, a political brain in the R.S.S. Prof. Balraj Madhok, backed by R.S.S. leadership formulated a device for constituting a Jammu based political organisation which would demand zonal plebiscite, since the holding of plebiscite for the future of Kashmir, at that time, was considered to be a certainty. But the regional aspirations of Jammu and urge for its identity was not lost sight of. Since the second demand of the Praja Parishad was provincial autonomy. The first agitation of Praja Parishad held in 1948, was fought on these two demands. I had the privilege to be the first volunteer of Praja Parishad to court arrest raising the twin slogan of demand for zonal plebiscite and provincial autonomy, though not fully knowing the significance of these demands, being still in my schooling.

It was only later on when the chances of plebiscite receded that the demand for zonal plebiscite was given up and perhaps under the pressure of Kashmiri Pandit lobby in the Praja Parishad, the second demand of the party for provincial autonomy for Jammu, obviously aiming at getting Jammu rid of Kashmiri domination, was also given up.

The place of original twin slogans was taken by the slogan of Ek Nishan, Ek Vidhan and Ek Pradhan, which again had the historical perspective.

The more the National Conference and its leader Sheikh Abdullah talked of special status and separate identity of Kashmir, the more the people of Jammu and the Praja Parishad demanded the extension of the authority of centre over the State. The more the Praja Parishad talked of State's fullest integration with the rest of the country, the more the obsession among the Kashmiris for retaining their special status.

...6th page

Thus a vicious circle started. Action led to reaction and mistrust begot mistrust. While Sheikh Abdullah started doubting the intentions of Jammuities, as well as sympathisers of the Praja Parishad movement for abrogation of Article 370 of the constitution, in the country, and as a reaction to it started talking of the accession of Kashmir to India being conditional and throwing hints of carving out an independent Kashmir State, have loose bonds with both India and Pakistan, his bonafides became suspect not only before the people of Jammu or Hindus in the State but eve before the common man in the country and ultimately before the Central Government and Congress leadership.

The argument that Sheikh Abdullah's volta face to talk of autonomous state and accession being conditional and hints of a buffer state were the outcome of reaction caused by the prolonged Praja Parishad agitation which presented his bonafi das as suspect is not borne out from the facts. From the very beginning, after Sheikh Sahib was freed from jail, in the wake of Pakistani attack over Kashmir, in his public speeches, he would say that the Kashmiris had not launched a prolonged struggle for merging either with India or with Pakistan, but the struggle was for getting Kashmir free from the yoke of Dogra dynastic rule over them. Whether these pronouncements of the Sheikh were a tactical move to slowly and gradually would the minds of fanatics and pro-Pak elements in Kashmir towards reconciling themselves to State's accession to India or it gave indication of his mind having preference for an independent Kashmir, is a matter of debate.

In this process of mutual distrust between the two regions caused by the wrong policies of discrimination adopted by the new Kashmir based rulers in the State, Praja Parishad which later merged with All India Jan Sangh came to identify itself with and became the most representative organisation of the aspirations of the majority community of Jammu. However, the regional aspirations very often got mingled with communal aspirations, since two regions were predominantly inhabited by different communities. While, the Kashmiri identity got confused with secession and separatism, the Jammu identity got confused with a state of more and more of central authority over Kashmir.

Kashmir region also got a lion's share in the liberal inflow of money from the centre to the J&K State, for undertaking ~~int~~ its development while Jammu's development was comparatively neglected.

...7th page

This coupled with manning most of the key posts in the State Government by men from Kashmir and all the political decision making vesting with the politicians from the Valley, made Jammu to play the role of second fiddle and set into motion a deep sense of deprivation causing frustration among Jammuites. This gave rise to disharmony, mutual bickering and distrust between the people of the two main regions of the State, namely Jammu and Kashmir.

This State of affair, above any thing else, made the people of Jammu to rally round the Praja Parishad which had launched a prolonged and powerful movement, right from 1949 to 1953.

Though the rank and file in the Praja Parishad movement and even its leadership did not have clear concept of the aims and objects of the movement, and under pulls and pressures from different directions, and the machinations of some vested interests who in-filtrated the movement to exploit it to serve their personal ends, at times, it took feudal overtones to communal overtones. But nevertheless the hard core of the movement atrived for and the common man in Jammu supported it as a nucleus and outlet of their urge for regional identity and aspirations of Jammu.

The attempts at crushing the movement with iron hands bypassing all democratic norms, rather than dealing it politically and trying to settle terms with Jammu region, only proved counter-productive and further strengthened the movement. However, visualising the root cause of discontent in Jammu, the Delhi agreement of 1952, between the then state Chief Minister, Sheikh Mohd Abdullah and the country's Prime-Minister, Mr. Jawahar Lal Nehru, entered in the wake of Praja Parishad movement, beside other things, provided for some sort of regional autonomy for Jammu, within the framework of J&K Constitution.

But in view of the surcharged atmosphere at that time this clause of the agreement was taken notice of in Jammu and it was opposed tooth and nail by the Praja Parishad leadership and the agitation was intensified, following the incident of protest by some students led by this writer, against hoisting of National Conference flag in the GGM Science College, along with the National flag, on the occasion of visit of Sheikh Abdullah to the College.

No Constitutional flag of J&K State was then adopted and on the pattern of communist countries, there was only a thin dividing line between the ruling party and the Government in the State. Hence ruling party flag was very often hoisted on official functions and on the vehicles of the Ministers.

Though the prolonged Praja Parishad agitation culminated into the arrest of Sheikh Mohd Abdullah, on 9 August 1953 and the installation of a government headed by Bakshi Ghulam Mohd. no progress, at all, was made in respect of the fulfilment of the regional aspirations of the people of Jammu. Rather in the heat of bazaree jubilation in Jammu over the arrest of Sheikh Mohd Abdullah and dismissal of his government, in the era that followed Jammu's identity and aspirations were relegated to the background.

Repression and suppression of democratic rights of the people in the Kashmir Valley and Muslim majority areas in Jammu, and at the same time, pouring of more and more money into the coffers of those who compromised with the new regime of Bakshi Gulam Mohd, created a new class of wealthy and privileged people in the valley. Though comparatively Jammu and particularly the Hindu majority areas in the region enjoyed more freedom of dissent, discrimination on economic front against the region accentuated.

While Jammuites will feel bazaree pleasure in the repression of Kashmiris, they felt the more pinch of economic disparity. All this further escalated the regional tensions and mutual distrust.

The successive National Conference and Congress governments that came into being in the State beside perpetuating discriminations and injustices against the Jammu region, on economic, social and political fronts, in terms of much less allocation of funds for development projects and still less actual expenditure out of the earmarked funds, share in the services, comparative development of culture and languages of the two regions, under representation of Jammu in the State legislative Assembly in proportionate to its population, not to speak of area, made Jammu to play the role of second fiddle in political decision making in the State.

For this the governments in the centre that came into being, including the Janata Party Government are to be blamed equally with the State Governments. Taking the Jammu people for granted as a result of their unblemished patriotism and nationalist outlook, the successive Governments in the centre, not only ignored their interests and spurned their aspirations but took the posture as if Jammu had no separate identity of its own other than providing a link and gateway to Kashmir,

...9th page

here too on the surface only. In any decision making by the Centre with regard to their policy towards and political set up in Jammu and Kashmir State, the conditions and expected reaction in the valley alone was taken into consideration .

Many people in Jammu trace the anti-Jammu bias of the Congress ruled central Governments and the Congress Party to Pt. Nehru's personal weakness for Sheikh Abdullah and his disliking for those who opposed him.

While the central government and the Congress Party always gave shabby treatment to Jammu region, they always expected complete surrender and sub-judgation from the region in the name of national unity and country's interest. The only relation that the central governments maintained with Jammu was to use it as an instrument to topple or instal a government in the State. What can be more ironical than the fact that the Congress and the central government which at one time spurned Jammu for its opposition to Sheikh Abdullah and admonished it to the extent of dubbing it as communalist, for raising doubts about the bona-fides of Sheikh Mohd Abdullah, wanted its unqualified support when it imprisoned the Sheikh and dismissed his government. They wanted the people of Jammu to believe, rather become their mouth piece to propagate that Sheikh Abdullah was a traitor.

Then after propagating this gospel for 21 years, when it dawned on them that it was not paying them the dividends and they realised its futility and once again revised their policy and outlook towards Sheikh Abdullah and his associates, they wanted Jammu to speak in their voice and accept Sheikh Abdullah as patriot and nationalist. Thus Jammu was treated as a football to be kicked any side, the Congress and the Central Government wanted.

However, a classical example of taking Jammu for granted is provided by the Janata Party, after it came to power in 1977. Ignoring its solid base in Jammu, it tried to chase the shadow in the valley and in the foolish act, lost both.

The continuous neglect of Jammu and perpetual discriminations against it led to deep rooted frustration among its people, who became cynical of any step aiming at prosperity and development of the State, since it was certain that its benefits have to remain confined in the valley.

...10th page

The mutual ill will and distrust between the two main regions and inter regional tensions in the State place the biggest burdle in the way of Kashmiris to preserving their separate entity. The clamour for more powers from the centre and autonomy by the Kashmiri leadership is ridiculed, spurned and opposed by the people of Jammu, on account of the fact that the power remains concentrated in the hands of Kashmir based politicians, who in turn have to appease their voters by providing them some concessions and benefits. The leadership in Jammu, deprived of any power, and being in office only at the pleasure of their Kashmiri masters, have nothing to offer to their voters.

The choice of ministers from Jammu always falls on mediocres, who are devoid of intelligence as well as mass base of their own. This has been a deliberate act, so that they do not aspire for equal share in power or political decision making in the State and assert their position. The representatives of Jammu in the State ministry, being there to the pleasure of their Kashmiri bosses are only keen to continue keeping themselves in the good book of their masters, and have nothing to offer to their electorate.

Before coming to power again in 1975, Sheikh Abdullah, had, in a Conference of his associates and public men sympathetic to him offered a formula of five tier system of administration and decentralisation of political power from the State to region, district Mandal and Panchayat levels. He had made firm commitment to implement the formula, if he came to power again.

But even this was conveniently forgotten, after Sheikh Abdullah returned to power. And those in his own party, who reminded him of his commitment, had to pay the price for it, in terms of their ouster from the party.

After the 1977 Assembly elections, when for the first time in the history of Jammu and Kashmir State, people had exercised their franchise in a fair way, the National Conference swept the pools in the valley. But in the Jammu region and particularly in Hindu majority areas, it suffered almost total rout.

....11th page

In June 1983 elections, again, National Conference swept the polls in Kashmir, while the opposition Congress (I) was 23 out of 32 seats and the National Conference suffered a debacle in the Hindu majority areas of the region. The situation emerging out of these elections brought to focuss the need for some sort of constitutional arrangement under which no region feels deprived of participation in political decision making as also forced to accept the hegemony of the other region.

The landslide victory of Congress (I) in the region in the latest Assembly elections could be expected to provide some succour to the people in Jammu and could help to get Jammu get its due place in the political field in the State. But the congress (I) has utterly failed the people of the region. It is highly ironical that the Congress (I) Legislature party, with 23 members from Jammu and only 2 from the Valley, one being from Ladakh, is obliged to elect a member from Kashmir to be the leader of their Legislative group.

The call for separate Jammu given by the State unit of the Lok Dal was welcome, if it had the support of Muslim majority areas of Poonch, Rajouri and Doda districts. But the unilateral demand by a handful of people in Hindu majority districts of Jammu, Kathua and Udhampur has the dangerous potential to communalise the politics in the State and threaten the unity of the Jammu region itself. It was better, if the protagonists of this slogan, had taken the Muslims of Doda, Poonch and Rajouri also into confidence and brought, at least, some vocal leaders from among them to veer round to this demand, before giving this call, to avoid the possibility of a counter demand from their of their dismemberment from Jammu.

In the given situation, the only solution to regional tensions and mutual distrust is the regional autonomy under the overall political set up in the State, with power being further diluted to districts, blocs and panchayats. At least, this system is worth experimenting. Once the system is agreed upon in principal, its details can be worked out later.

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Seminar on "Inter-connection between Indian federalisation process and inter-regional relations in J&K State."

Seminar Papers No.3

Inter-regional Relations and Sheikh Abdullah

By Om Prakash Saraf

Sheikh Abdullah had to suffer for more than two decades before he could be again at the helm of State affairs in February 1975 following "Kashmir Accord" between him and the Prime Minister.

His only fault was that he stood for right of self-determination to which the Central Government itself was committed. The Accord became possible after the Centre had ruled out plebiscite and Sheikh Abdullah made it known that his "quarrel with the Government of India is not about accession but it is about the quantum of autonomy." (Times, London, March 10, 1972)

Even then it was not an easy task to restore the old confidence that had been shaken in the wake of Sheikh Abdullah's undemocratic dismissal as Prime Minister of Jammu and Kashmir on August 9, 1953. It took a couple of years for him and the Centre to produce the Kashmir Accord after "a long drawn-out dialogue initiated originally by Pandit Jawaharlal Ji Nehru. It was given to the present Prime Minister Indiraji to carry this process forward to the present happy conclusion" to quote the Sheikh himself.

This is all recent history which shows that tensions, once permitted to be degenerated into populastic postures, have a tendency to perpetuate themselves. It requires an extra degree of maturity on the part of political leadership to resolve them even when no major differences actually exist between the parties. Commissions of enquiry are seldom adequate to bring about meeting of minds.

A sort of similar situation confronts the State at present. Sheikh Abdullah's good intentions in regard to Jammu and Ladakh are not in question but mutual trust is actually at its lowest ebb.

..2nd page

That Sheikh Abdullah started exceedingly well was clear when he told the Pradesh Congress Legislature Party on February 24, 1975, i.e. a day before assuming office:

"On my part, I will make a sincere effort to ensure that all the three regions not only have equal opportunity for full and speedy development, but that the people in every part of the State have a sense of full participation in the political affairs of the State (emphasis mine)."

After assuming power he stressed the same point in his first broadcast as Chief Minister from Radio Kashmir, Jammu, on February 26, 1975, inter alia saying:-

"People are beginning to lose their very faith in democratic institutions. What is required is that instead of concentrating political power at a point, it should be shared widely. This should be provided in such a way that every part of the State has a sense of involvement and participation in the affairs of the State, and of making a contribution towards its development. Towards these objectives, I shall think of some important and specific steps after consulting constitutional experts.

I wish to ask the people of Jammu, Kashmir and Ladakh not to entertain any mutual distrust or lack of confidence in one another. On my part, I will make a sincere effort to ensure that all the three regions not only have equal opportunity for full and speedy development but that the people in every part of the State have a sense of full participation in the political affairs of the State (emphasis mine)

A week later, State Governor L.K. Jha, addressing joint session of the Jammu and Kashmir Legislature on March 6, 1975, stated:-

"Government believe that instead of concentrating political power at one point, it should be dispersed and shared widely- in such a manner that every part of the State has a sense of involvement and participation in the affairs of the State and particularly, an opportunity to contribute towards its development. Government will shortly be consulting some experts as to how best political power and administration

...3rd page

can be decentralised and diffused so as to reach down to every level from the State to a region, and farther afield to the District, Panchayat and village level. Government would like to take this opportunity to assure the people of Jammu, Kashmir and Ladakh that they will make every effort to ensure that all the three regions not only have equal opportunity for full and speedy development, but that the people in every part of the State have a sense of full participation in the affairs of the State".(emphasis mine).

Six days later, replying to the 3 day debate on the Governor's Address, the Chief Minister stated on March 12:

"I shall not take the time of the House by repeating what we have conveyed in regard to these and related matters through the Address of Governor."

On August 2, 1975, I was informed on behalf of the Chief Minister in the J&K Legislative Council that the Government intended to set up a small committee to assess the possibility of further decentralisation of constitutional and administrative powers, consistent with the need to preserve the integrity and unity of the State.

On September 14, 1975, I moved a formal resolution in the Legislative Council urging "that a committee be set up to propose appropriate action in order to secure a greater measure of constitutional and administrative decentralisation in the State". Neither the Chief Minister nor any other Cabinet Minister was present in the House then. The resolution was voted out as the rulingmen led by a junior Minister opposed it although agreeing with "the spirit behind it". I had then wished that the Chief Minister could have been present to witness what was becoming of his principles at the hands of his own men on the treasury benches.

It may not be out of place to mention here that even at the party level, in a booklet "Why National Conference?" the present rulingmen have gone so far as to assert that the party "proposes to re-organise the internal constitutional set up of the State on the basis of a federal structure which would provide regional autonomy and further decentralise political power through appropriate constitutional arrangements at the district, block and village levels".

Frankly speaking, I have not been able to persuade myself to believe that Sheikh Abdullah has gone back on his word. As late as March 7, 1979 I had an occasion in the legislative council to refer to the policy outlined by him in his statements in 1975. He

...4th page

categorically reassured that "there should be no apprehension that we have deviated from that policy". That policy-frame constitutes the beacon light for us! In the circumstances it will be less than fair to accuse him of turning away from his commitment. It is nevertheless clear that some thing is preventing him from initiating measures to translate his wishes into concrete action.

It is well-known that Sheikh Abdullah and his camp (including myself) were not party to the present constitution of the State. Although he was the leader of the J&K Constituent Assembly, the Constitution was framed after putting him behind the bars. This was why he later chose to favour a 5- tier system for the State. This was also precisely in his mind when he, on assumption of power, reiterated his faith in political and administrative decentralisation. He has always been a votary of federalism, too. It is, therefore, naturally expected of him that he will have a fresh look at the unitary Constitution of the State in a manner that leaves room for local initiative at various levels. First steps in this direction need not be delayed any more.

It is to be conceded that some steps have been taken at the administrative level. For instance, the experience of single-line administration at the district level is a welcome step even though it does not go very far. A State-level planning committee has also been set up but it has been kept in suspended animation since September 1976. There is a legislators' consultative committee on planning but it has not met for the past two years. A high-level committee headed by the Governor was set up as early as May 1975 inter alia to recommend such policy framework which could help in removing imbalances between different regions of the State. It produced several reports without specifically applying much thought to such imbalances. It did not have a single member either from Jammu or Ladakh. An important Committee was formed to identify backward classes headed by Justice Anand of the State High Court. It produced a report in September 1977. The Government is still to take a decision on its findings.

Concluding, may I submit that I did not feel very sure if the Sikri Commission could really deliver the requisite goods for the simple reason that, as indicated earlier, union of hearts which is the basis of all accords has rarely been the result of probes and enquiries. The failure of the Gajendragadkar Commission is

..5th page

already on record. The Kashmir Accord, on the other hand, as aptly acknowledged by Sheikh Abdullah, has been the outcome of an initiative on the part of Nehru followed by statesmanship on the part of her daughter. In my humble view a process to end regional and communal tensions will be set in motion with Sheikh Abdullah choosing to demonstrate a similar initiative and statesmanship in the territory which is his charge on the basis of principles and policies enunciated by himself more than once. I have little doubt that he has the necessary understanding and capacity to do the needful. After having repeatedly expressed his will also, it is certainly not beyond him to find out a way. Rather, he alone is so well-equipped. After him, the deluge.

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religious
~~XXXXXX~~ and regional persecution in the people of this region.
Added to this, there is the problem of the political vacuum -
the leaderlessness and the problem of political game being played
at the instance of Kashmir or Delhi interests. All these factors
have been helpful in contributing to the strength of this
organisation.

Islam has the most militant traditions of equality and brotherhood. For quite a few centuries after its birth, Islam produced many of the greatest scientists of the world (15)... All of these scientists were rational and secular minded. It was natural that rational kernel of Islam, should touch the heights of secularism. Dr. Iqbal in his thought provoking book, "Reconstruction of religious thought in Islam" (page 162, Lahore 1962), commended the Kamalist experiences towards modernity and in particular the basis of new Turkey laid on the principles of secularism, and enlightenment. While appreciating the new value system involved in Turkey, Iqbal expressed his wrath against the mechanical repetition of old value system and negation of 'Idjith ad'. Iqbal was against stagnation in Islam.

The emergence of 'Aligarh School of Thought' was not offshoot of vedas, bible, gospel of Moses or Imam Ghazalis or Razis philosophy but product of western rational philosophy and political science. The concept of adult franchise, democracy, federalism, provincial autonomy and fundamental rights ~~was~~ ^{are} branches of secular philosophy.

Mr. Altaf Gohar, a bitter critic of secular thought in Pakistan had to admit in his book: (Translations from Quran, P. 21, Lahore 1975), that prominent aspects of secularism are; impartial election commission, independent judiciary, and executive subordinate to judiciary and third estate, influencing public opinion - press. The fundamentalists have turned their back on the contentions that the growth in rational thought had its roots in Islam. Shamelessly they dub such developments as unislamic. They preach subjugation of people to 'amir', who might have usurped power through fire and sword, or a nominee of an individual.

THE MISINTERPRETATION OF THE CONCEPT OF SECULARISM:

Jammat-Islami attributes fantastic notions to the concept of secularism - irreligious unislamic, denial of God etc to mislead common people. Moulvi Abdul Haq in his dictionary defines secularism a society based on science. The dictionary
On page... 25

defines secularism as the doctrine that morality should be based solely on regard to the well being of mankind in the present life. It defines the word 'Secular' as pertaining to this world, and especially carrying a negative connotation, the exclusion of the religious element in politics, education, etc. The religion is not only concerned with after life, ignoring the fact that religion has always been involved with the ethics of daily life. So it could be said that religion has secular, or contemporaneous relevance, and that secular institutions - in so far as they are concerned with the maintenance of social ethic - have always encroached upon the religious domain. The prime such social institutions is the state, which is always contemporaneous. In the light of this explanation one would have to accept the religious doctrines carry weightly implications for secular social life. Iqbal very much misquoted and misinterpreted, by 'Jammah-i-Islami' controlled media in Pakistan, believed in secularism and thought that ~~prohibitions~~ ^{Parachutism} and communalism are detrimental to intellectual growth. ^{dissemination} ^{dissemination} "They lead to dissipation of individual and collective energies, talent and resources. Eventually this is an adverse effect upon national character."

In a message to the U. S. A. on her national day, late Mr. Jinnah, author of two nation theory had made it clear that Pakistan will not be a ^{theocratic} ~~theocratic~~ State. In a speech while commenting on the great exodus he appealed to the Indian Muslims to remain in India itself and be faithful citizens of that country. Moreover let Jinnah in his speech to the Constituent Assembly said: "You are free. You are free to go to your temples, to your mosque or any other place of worship. After some time Hindus will cease to be Hindus, Muslims will not remain Muslims, not in the religious sense, but in the political sense. We are all Pakistanis and that it makes clear that Pakistani is equal to Pakistani geography. So far as ones faith is concerned it is none to the Government's business, whether anybody is prepared to become 'Ahl-e-Hadis',

or remains Hindu, Christian, sunni, Shia, etc. Late Jinnah also said that there will be Islamic socialism in Pakistan something which the Jammah and Zia's Government is ~~so~~ scared.

The world of Islam is not cohesive and homogenous as ~~revivalists~~ and obscurantists are painting it on international canvases. A grim struggle is raging between defenders of status-quo and genuine inheritors of Islamic legacy. In Islam there has been no tradition of kingship, (Mulukiat), dictatorship- (miriat) class distinctions in society - (feudal or capitalist) but ~~the~~ early Islam had seeds of egalitarian society - 'Musawat' - no domination of exploiters.

and to-day, Muslims in the Muslims republics in the U. S. S. R. are actively participating in building a ~~new~~ egalitarian society, free from exploiters- business magnates, feudalists and capitalists. The real Islam is the ~~xxx~~ Islam of equality and social ~~xxxxxxxx~~, justice, activities ~~for~~ the benefit and happiness of people.

Under the banner of liberation theology patriots, democrats and radicals, overthrew the colonial regimes - Dutch, French, British and Italian in Algeria, Morocco, Syria, Lebanon, Yemen and Libya. All these Islamic countries, whose constitution embodies the provision of Islam being State religion, are moving towards goals of secularism, democracy and socialism - in conformity with the best traditions of Islam. Musteffa Kamel abolished Khilafat and put Turkey on modern rails - secularism and democracy. The Algerian National leader, Hourie Boumedienne raised the slogan during land reforms in the country; Algeria,, "If the mosque is used to defend injustice, exploitation, slavery and feudalism, it is not mosque of Islam but a mosque which destroys Islam."

Benningson
"Alexander ~~Benningson~~/writes that, " it is paradoxical to see that despite profound mistrust by the communist party of the Soviet Union in regard to the use of Muslim Cadres to promote communist revolution abroad, it is the Muslim Elite..... which appears to be Moscow's most

effective agent in pursuing its state strategy in respect to the Muslim world outside its frontiers(16).

Ziyya-uddin Khat-ib~~ib~~ Ishaq Khan, in his worthy treatise, "Islam and the Muslims in the land of Soviets", (Progress publishers, 1980), says, "the social system of Islam proceeds on the premise that all people were created by God and are equally dear and close to God. He shows his concern for all regardless of their nationality, and the colour of their skin. That is why a society divided into oppressed and oppressors, into those who are immensely rich and those who lack their daily bread and die of hunger, such a society does not fit the Islamic social system." ^c c-tor, This interpretation of ^{Auran} ~~Koran~~ is not liked by Muslim landlords, owners of big orchards, bankers and rich businessmen. However, ^{Auran} ~~Quran~~ adds: "opinion (Zann) avails nothing against the truth."

There has been no special path or Islamic path to capitalism or socialism. It has been proved by Moroccan, Algerian, Egyptian, Arabian, Turkish and Iranian roads to socialism.

out of the Soviet and Chinese communist orbit Afghanistan, and peoples Democratic Republic of Yemen are building socialism in conformity with the precepts provided by egalitarian concepts of Islam.

There has been an unique experiment in Pakistan, so-called 'Islamisation', its main theoretician is 'Jammal' and implementing agency, by Military dictatorship of President Zia-ul-Haq. It is backed by American imperialism and her henchlings.

It is ~~an~~ crude experiment in using 'Islam' for ^{purposes} ~~political purposes~~. The Islam respects under the limits defined by the divine law (huddud-Allah), rights of humanity and dignity of individual. As per the report of Amnesty International, there are flagrant violations of such rights in Pakistan. The ^{Auran} ~~Koran~~ is imbued with the spirit of social justice. It preaches against injustice - 'Zulum' which includes accumulation of wealth and exploitative society.

Zia-ul- Haq appointed a committee, for Islamisation of economy in Pakistan. It was headed by Prof. Syed Nawab Haider Naqwi- a leading Pakistani economist. It defined the (concept of Islamic economy under the purview of ~~philosophy~~ ^{Philosophy} of Islam - 'al-'adl Wal-'ihsan'- total redistribution of property both rural and urban. The committee in accordance with the above precept - ^{the} attack/d most defended rights by Jemmat - 'right to private property.' The committee defined the existing structure of Pakistan as "feudalistic and capitalistic". The committee advocated for abolition of landlords, establishment of public sector, it ~~xxxxxx~~ ^{pressed} for reevaluating the law of inheritance ~~xxxxxx~~ ^{xxxxxx} it is against the spirit of "Al-Adl-Wal Ihsan". It elaborately ~~enunciated~~ ^{enunciated} the theory of 'Riba'- that abolition of interest, profit and rent. It did not ~~xxxx~~ ^{xxxx} 'Riba' in narrow sense.

The committee view were radical compared to prevalent views in Pakistan. Zia rejected the report and threw it in waste paper basket.

Muslims should not live only in the past they are facing present and belong to future. "They constitute part of the whole and not part apart." 18. They live in modern world. Their position in India is dual-Muslim and Indian.

They are mostly poor, peasants and artisans; majority of them have ~~xxxxxx~~ ^{no} clash with hindu working classes. Muslims have nothing ~~xxxxxx~~ in common in socio-economic sense, with Muslim upper classes. As a followers of Islam, Muslims should subscribe to politics of ~~x~~ emancipation. "Muslims have to live a dual life; one part of their life has to be controlled by the shariat and the other part is to be governed by a secular democratic state(19). It is on this score that 'Jemmat' misleads new generation of Muslims in Kashmir. Muslims constitute nearly ten percent population of India. Muslim masses can form an important component of peoples democratic front in India, if their problems are tackled. "Muslims are in the various ~~linguistic~~ ^{linguistic} nationalities of India: Gujrati, Bengali, Kashmiri, and so on. 'Stalin'-defining a nation and nationality referred vital factor in psychological make up of

*Referred to a -29- vital factor. Psychological make up.
Muslims are neither nationally nor religion.*

But historical circumstances, a common religion has also inculcated certain common cultural traits and social customs. This peculiar feature gives impetus to 'Urdu movement' in non-Hindustani speaking areas - making 'Urdu' a lingua-franca of all Indian Muslims. In Hindi belt it is possible that an Urdu speaking sub-nationality would emerge. The grievances of Muslims are general. The cause of 'Urdu' attracts also those who cannot speak it (18).

Muslims are ~~xxx~~ exceptionally hard pressed, if not totally depressed. The community is educationally backward, discrimination in employment is practised, added to it insecurity of life and property.

The general problems and ailments will get solution when socio-economic structure is reconstructed on non-capitalist basis in India. But some tangible solutions can be found within present system, and it can serve as an immediate slogans for, rallying Muslims behind secular progressive, democratic parties. These measures are:

- (1) In police, class IV and other technical posts, Muslims should be recruited in proportion to the percentage in population in Indian Union.
2. Minimum reservation of seats for Muslims in education and technical institutions on the ^{lines} ~~basis~~ of reservation instituted in Kerala by the first communist led Government.
3. Granting licenses and awarding contracts to firms, ~~xxxx~~ ^{set} Government should/ fair employment Criteria, including employment of Muslims after scheduled casts.
4. Declaration of 'Urdu' as the second official language in U.P. Bahari and Delhi. and also an alternative medium of instruction at school level upto college and University in U.P. and Bihar (19).

The aim of Muslim communalists is preservation of Muslim separation, not to end the Muslim backwardness as their basic aim. A conscious ideological struggle against the Muslim communal forces is need of the hour. Muslim community is class ridden. Muslim politics is not the politics of entire community, it is the politics of a small segment of society,

~~rich, poor~~ rich and elite. The socio-physiognomy of Muslim problem cannot be understood in isolation from the nature of democracy, politics linked with democratic process and class character of the Indian State.

To my mind, comes a famous statement by F. Engels, when I look over the national scene, that movement for independence of India failed to solve the communal problem. F. Engels wrote this letter to his colleague on 24th Feb. 1893. 1893 Engels then wrote ; -

" History is a cruel goddess and she leads her triumphal car over heaps of corpses, not only in war but also in peaceful economic development. And we, men, are unfortunately so stupid that we never pluck up courage for real progress unless urged to it by suffering that seems almost out of proportion. "

But enough of argument. I think I have not left none of arguments on the subject un-answered. And if I have by chance lost sight of any of them, we shall have plenty of occasions to return to the dispute. So I may lay down the pen.

(Peer Gias-ud-Din)


3-2-1987,

Jammu

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political exploitation
religious identities is
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A-11

COMMUNAL TROUBLES DURING 1931

By Dr. M.L. KAPUR

April 29, 1931, was an Id-ul-Fiter day. After the Muslims of Jammu had offered their prayers at the Idgah, the Imam began reciting the "Khutba". Suspecting that he was going to deliver a political speech in a public place in contravention of the law of the land, a "tactless" Hindu Inspector of Police made a bid to stop him. When, however, it was explained to the Inspector that what the Imam was going to deliver was a "Khutba" or a religious sermon and not a political speech, the Inspector drew his objection, and allowed the latter to proceed with it. Later, this incident was presented to the Muslim masses in Jammu as a deliberate interference into their religion by the Hindu government of Maharaja Hari Singh, and great was the consequent resentment. The government suspended the Inspector, and the complainants prosecuted him also in a court of law, even though he offered to apologise in public for whatever had happened. But the law court, after recording the evidence of some prominent Muslims, acquitted him, finding that he had no intention of interfering into the recitation of the "Khutba". The case was then taken by the complainants to the State High Court which, upholding the judgement of the lower Court, also declared that "the Khutba was an essential part of the religious ceremony and, therefore, not liable to interference under the law which prohibited the delivery of non-religious speeches in public meetings." (1)

Despite this incident, which had roused the religious feelings of the Muslims in the State for some time, the traditional relations of communal amity between the Hindus and the Muslims remained practically unaffected. There was also no change in the attitude of the large majority of the State Muslims towards the Hindu Maharaja whom they held in high esteem and regard. In May last year, Hari Singh had gone to England to attend the First Round Table Conference. He returned to India in May 1931, and made the State entry into Srinagar on the 3th. From the Sonawar Bagh, the Maharaja and his wife, Tara Devi, without veil, proceeded down the Jehlum river in a State barge. The crowd of people who

cont. p/2/

had come to witness this procession was unusually large. In the words of the Resident, " this unique event of the unveiled Maharani, accompanying the ruler of the State, was witnessed and received with acclamation by the European visitors and what appeared to be the entire population of the city and surrounding districts, who lined both banks of the river."(2)

The political atmosphere also throughout the State had been peaceful and " placid", to quote the Resident.(3) But soon all was changed, and the beginning of fresh troubles again was made at Jammu. In the Central Jail here, all the prisoners on duty were expected to get up by a particular time in the morning, and roll up their beddings. But, on June 4, 1931, one of the constables, Fazaldad, who found still reading " Panj Surah", an abridged edition of the Quran, in his bed at that hour. Labhaya Ram, a Head Constable, then remonstrated with him for the neglect of his duty, rolled up his bedding, and threw it over a box lying nearby. On being interrupted, Fazaldad had placed the holy book on his bedding. But before the bedding was rolled up by Labhaya Ram, the constable had picked it up in his hands. Nevertheless, Fazaldad made out a case that the Head Constable had snatched away the " Panj Surah" from his hands and thrown it on the ground. He also penned down three petitions, two of which he addressed to his superior Officers and the third one to the local Youngmen's Muslim Association. In the third petition, he also alleged that the Hindu Head Constable had dubbed the reading of the holy book as trash and had warned him not to do so inside the Jail in future. (Tum Kaya Bakwas Parh Rahe Ho; Aesa Bakwas Yahan Par Hargiz Na Parha Karo).(4)

The Youngmen's Muslim Association at once issued a poster, calling upon all the Muslims of the State to held protest meetings. Copies of this poster reached the Young Muslim Party of Srinagar on June 5. For some time past, it had been peacefully demanding for the Muslims a larger share in the State services and better treatment in general. Sheikh Mohammad Abdullah, then a youngman of , with an M.Sc degree from Aligarh, was its leading member. According to him, after the receipt of posters from Jammu, he

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assigned the job of pasting them on the city walls to two men in each Mohalla of Srinagar. If any one of them was arrested, the Sheikh was to be informed immediately. The authorities did arrest one Mohd Ismail while pasting the posters on the walls of the locality of which the Sheikh himself was a resident. When he was being taken to the Zaina Kadal Police Station, a large crowd also followed him, Sheikh Mohd. Abdullah being one of them. Sensing serious consequences, the authorities let Mohammad Ismail off.

Later, the crowd moved in a procession towards the Jama Masjid where it was addressed by Sheikh Mohd Abdullah and some other Muslim leaders. The Sheikh warned the Maharaja's government that until those who had insulted the Quran were punished, the rights of the Muslims were granted to them, their agitation would continue. (5)

To pacify the agitators, the Governor of Kashmir met some leading Muslims of Srinagar, and requested them to use their influence with a view to restraining the young members of their community from making inflammatory speeches. Some of them suggested the arrest of Sheikh Mohammad Abdullah and his followers. (6) But the authorities preferred to watch the situation, and, in the meantime, on the receipt of a telegram from the Muslims of Jammu on June 6, deputed G.E.C. Wakefield, his political Minister, to go there and investigate the matter.

Wakefield met the representatives of all the eight Islamia Anjumans of Jammu on June 9. He asked them to choose two members, and, along with them, investigated the whole matter the next day. As a result of their enquiry, with which the Muslim members were entirely satisfied, it was found that the Hindu Head Constable had not thrown the Quran on the ground, and that what he had actually told his junior Muslim colleague was that "you are not reading the Quran, you are talking rubbish." (Tum Quran Sharief Nahin Parh Rahe, Balke Bakwas Kar Rahe Ho) He had, therefore, meant no insult to the Quran, and that "what happened was pure incident."

Yet, in a Press Communique, the Maharaja deplored the incident, and, on the recommendation of the Enquiry Committee, retired Labhaya Ram from service "for losing control of himself and

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behaving in a manner unbefitting an official of his length of service of over thirty years;" and dismissed Fazaldad from service for having "deliberately mis-stated the facts, which might have led to a breach of peace." (7)

But the Muslims outside the State were not satisfied with this enquiry, nor with the action taken by the Maharaja's government. The Quran incident in its false version was given a very wide publicity in the Muslim newspapers of the Punjab, particularly in the "Muslim Outlook". Sheikh Din Mohd., a Punjab M.L.C., and the All India Muslim Kashmiri Conference of Lahore, wanted a Committee of the Muslims from outside the State should be allowed to enquire into the matter. But the State Government did not agree to this proposal, and banned the entry to the State of those Panjabi leaders who still decided to come here, as well as of those newspapers which were harping on the exaggerated and distorted account of the incident. This measure fuffed up the outside Muslims further and their criticism of Maharaja Hari Singh and his government became all the more bitter. (8)

Though the Quran incident was no longer talked of by the Muslims of the State, their agitation against the Maharaja's government did not cease. Sheikh Mohammad Abdullah and his followers particularly began to hold public meetings more frequently, and by their speeches incited the Muslims to rise against the government which, they alleged, was oppressing them and denying them their due rights. (9) Resentment against the small minority community of Kashmiri Pandits also was voiced for having monopolised most of the jobs in the State services. To add fuel to the fire, some fire-brand Muslims from Jammu also went to Srinagar and, through their speeches, "inflamed the minds of their co-religionists." "Islam in danger" was, according to the Resident, the general cry of the Muslims in the State towards the end of June 1931, and the Muslims of the Panjab were lending them full support in their agitation against the Maharaja. (10) Even the "totally unexpected" and disastrous flood during the first week of July made no appreciable impact on the communal tension then prevailing in the Valley.

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Naturally concerned at these ominous developments, Maharaja Hari Singh issued an appeal to his subjects on the 9th July for maintaining peace and communal harmony. Speaking with the "greatest pride" in his state which had so far been free from any communal strife, he deplored the recent occurrences which in no way could be attributed to any action or policy of his government, but were, he said, being twisted to show that "the policy of my government is such that Islam is in danger.". Referring to his announcement at his accession that "my religion is justice," he said, "I have not made, and will not permit any discrimination against any class of my people on the grounds of religion." But if any class or group of such had any grievance, he asked them to apprise him of it which, he assured them, he would redress but only after the age-old communal harmony had been restored.

Telling the outsiders that they had "done nothing but immease harm" to the interests of the state subjects, Hari Singh appealed to them also not to interfere in future "in matters concerning my State and my people, as I do not interfere in matters concerning British India and British Indians."

The Maharaja concluded his appeal with a warning also. "But should, God forbid, all appeals to reason fail," he said, the law and order would be maintained at all costs with the help of "the Magistracy and the Police." He further said, "I cannot allow my government to becoerced by threats into unjust action." (11)

More than the appeal, however, it appears that the warning had greater impact on the youthful Sheikh Mohd. Abdullah's mind. In his voluminous autobiography, he dismisses the appeal in just one sentence. He says, the Maharaja issued a statement in which he indirectly referred to the use of police and majistracy." (12) Doubting the Maharaja's sincerity, he further says that "meanwhile the government decided to hunt unwer the cover of talks." The talks with the representatives of Muslims of the State were undoubtedly initiated by the Maharaja to hear their grievances, and, accordingly, he invited a deputation of theirs to meet him. But while the Youngmen's Muslim Association of Jammu chose four

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members of their deputation, namely, Mistri Yaqub Ali, Sardar Gohar Rahman, Chowdhry Ghulam Abbas and Sheikh Abdul Majid, in a small meeting, without any fuss, the leaders of Kashmiri Muslims decided to politicise the occasion, in the words of Sheikh Mohd. Abdullah, to "awaken the public opinion and to show our strength" to the government, and also to fosten unity among the otherwise divided ranks among themselves. The latter, accordingly, convened a public meeting at the Khanqahi Mualla of Srinagar on 21st June (13)

At the meeting, among those who were seated on the dias included the two arch enemies of each other- Mir Waiz Yasuf Shah and Mir Waiz Ahmed Allah Hanadani. They now embraced each other in full view of the gathering, and this sight, it is said, set ablaze the public sentiments. Then fiery speeches were delivered by a number of leaders. In his speech, the Sheikh exhorted the Muslims to rise to wrest their rights from the government and be prepared to do or die in this cause. Later, a copy of the Quran was brought before the gathering, and each one was made to swear by it that he would not waver in his resolve to serve his community. About one lakh of Muslims are said to have gathered by this time, and the Sheikh, then, one by one announced the names of seven men and got the approval of the gathering for their inclusion in the deputation which was to meet the Maharaja.

With this terminated the proceedings of the announced public meeting, and its organisers, along with the elected members, went to take tea in a nearby school building. But the crowd, which had been worked up with bitter communal feelings, kept standing there. Soon, from among them emerged a man and began addressing it. He was Abdul Qadir. An illiterate cook by profession, he had come from Peshawar along with Maj. Both of the Yorkshire Regiment to spend his leave in the Valley. Earlier, he had been frequently visiting the Hazaratbal shrine and also addressing the gatherings there. So, he was not new to the Muslims of Kashmir. Nor, was he new to the Sheikh. He had attended many public meetings addressed by the Sheikh, and once expressed to him his deep sympathies for and complete solidarity with his movement.

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Referring to a State C.I.D. report, Sheikh Abdullah says that Abdul Qadir thus addressed the gathering at the Khanqabi-Mualla, "O, Muslims! the hour has now arrived when we should say tit for tat. Petitions and appeals would not hold up the oppression, nor would they redress the insult to the Quran. Rise and launch a struggle against the oppression." Pointing towards the royal palace, he said, "bring it to ruins". (14)

According to the Resident, Abdul Qadir also "incited his hearers to kill Hindus and burn their temples" (15)

Consequent to these inflammatory utterances, Abdul Qadir was arrested and charged by the government of sedition. To start with, his trial was conducted in the court of the City Magistrate, and Sheikh Abdullah and his followers took upon themselves to arrange for his defence as, in the words of the Sheikh, "he had been arrested for having shown sympathy for our movement." (16)

As the trial proceeded, daily a crowd of exciting Muslims began to gather outside the City Magistrate's Court and raise anti-government slogans. The judge then ordered the trial to be conducted inside the Central Jail from July 13 onwards (17). But the Muslims did not like this step, and, to protest against it, Sheikh Abdullah convened a public meeting at Gow Kadal in Srinagar on July 12. The meeting lasted till midnight, and all the speakers exhorted their obedience to be prepared for every sacrifice. On the question whether or not the people should gather outside the Central

Jail the next day, there was, however, a difference of opinion among the speakers. While the Sheikh was against it, some others advocated this line of action forcefully.(18) The result was that a large crowd of Muslims, estimated at five thousand, did collect outside the Central Jail on July 13.

At first, the crowd was orderly. But, soon after, on the incitement of some leaders, it became restive, and demanded admission into the Jail premises to hear the proceedings of the trial. The small guard of police on duty, however, did not allow them. The crowd then began to pelt stones on the guard, and also set fire to their quarters.(19) According to Sheikh Abdullah, however, the crowd outside the Central Jail started pelting stones on the police guard only after it had arrested some of them without any provocation.(20) Apprehending further deterioration in the situation, the trial Magistrate sought police reinforcements from the city. In the meantime, three of the guards were injured seriously by the stone pelting, and the crowd, in their frenzy charged upon them to force their entry inside the Jail. Just then the police reinforcements also arrived, and they too were subjected to stone pelting. The crowd was, thereupon, declared an unlawful assembly and ordered to disperse. But it continued to indulge in stone throwing, the police force, which was still inadequate to deal with the situation, was then felt to be in danger of being overpowered. At this moment, the Magistrate ordered the police to fire. Nine or ten persons were, consequently killed, and about forty were injured.(21)

According to the Resident, "if the police had not fired, the mob would certainly have broken down the Jail gates and set free all the 500 inmates of the Jail," because five of them escaped, despite the firing, taking advantage of the confusion caused by the situation.(22) But Sheikh Abdullah's account differs here also. Basing it on hearsay, he says the police fired upon the innocent people who were engaged in offering prayers. He further says that the crowd burnt the police quarters after the firing which resulted in the death of twenty-two persons.(23) Probably, when the stone-pelting mob was fired upon, some persons were busy in offering prayers.

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After the firing, the crowd dispersed, carrying the dead and some of the injured persons with them. While one section of it passed through the Maharaj Ganj locality, another found its way back to the Jama Masjid, and both indulged in assaulting and looting the Hindus. The Maharaj Ganj was inhabited almost exclusively by the local and the Panjabi Hindus, and was the principal centre of trade in Srinagar. Many of them were attacked and injured, while their shops were looted and burnt. The same story was repeated in the locality of Vicharnag. Some women also were assaulted here(24). According to Sheikh Abdullah, the Muslims attacked the Hindus of Maharaj Ganj when the latter jeered at them and refused to be dictated for a Hartal (25).

Soon, the army took control of the city of Srinagar, and more troops were rushed from a nearby training camp. The Maharaja and his Ministers took up their quarters in the city palace, and from there the former began to direct the operations personally.

After the night fell, some Muslims attacked a military picket and tried to seize their rifles. The military opened fire and one more persons was killed.(26)

The next day, Sheikh Abdullah and some other Muslim leaders, including the three members of the deputation from Jammu, were arrested.

So great was the shock of the incident of July 13 that, it is said, no fire was lit in the house of any Muslim in Srinagar that night,(27) and there was complete Hartal in the city the next day. Both the Hindus and the Muslims remained " in a state of hysterical fear of each other." But no violence took place on the 14th even though a few more persons, who were seriously injured earlier, died in the hospital.

But on July 15, some Muslims again tried to snatch away the rifle of a policeman. To prevent them, again fire was opened, with the result that another person was killed and two were injured.

Thereafter, however, no incidence of violence took place, though shops remained closed for some more days. Gradually, the

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tension between the Muslims and the Hindus also died down. (28) The Maharaja also appointed a Committee to investigate into the causes and circumstances of the recent disturbances, and also to make recommendations with a view to restoring communal harmony in the State. But by now the Muslims of Kashmir had been so much alienated with him that they expected no good from this Committee. Ultimately, as all of us know, the Glancy Commission was appointed, which resulted in far-reaching changes in the administration of the State.

Two facts strike us very prominently from the above account. First, that the outside Muslims had maintained close contacts with the Muslims of Jammu, and, through them, with those of Kashmir, and were responsible for injecting communal virus in their social life. The man who introduced violent communalism in Kashmir was also an outsider. Our view is that it was due to the outside Muslims that the events of July 1931 took a communal turn.

Secondly, except the incidents of July 13, when some Hindus of Srinagar were attacked by the Muslims, on no other occasion was violence used by one community against the other. Throughout, the agitation by the Muslims remained directed against the State Government and not Hindus, though it had communal overtones. In other words, by and large, the State remained free from communal riots.

One thing is, however, baffling. Though Sheikh Abdullah and other Muslim leaders of Kashmir had politicised the occasion to choose their representatives in response to the Maharaja's appeal of July 9, there is no indication to suggest that they also had any intention of sabotaging the process of negotiations subsequently. But Abdul Qadir's arrest had acquired such significance that all their energies were spent on his defence and the calling of their deputation on the Maharaja was altogether forgotten? Even if we accept this proposition, their deputation could also take up Abdul Qadir's case with the Maharaja and ~~try~~ try to do something about it along with their other grievances. If this had been done, the State might have been spared of the tragedy of July 13 or it might not have taken a communal turn.

- (18) Mohd. Abdullah, Sheikh, op. Cit., p. 88.
- (19) Resident's Fortnightly Report, July 17, 1931, File No. 35-P(Sec)/1931.
- (20) Mohd. Abdullah, Sheikh, Op. Cit., p. 89.
- (21) Rough Note on Political Situation, op.cit., p. 3; Resident's Fortnightly Report, July 17, 1931, File No. 35-P(Sec)/1931
- (22) Resident's Fortnightly Report, July 17, 1931, File No. 35-P(Sec)/1931.
- (23) Mohd . Abdullah, Sheikh, op. Cit., p. 89.
- (24) Rough Note on Political Situation, op.cit., pp.3-4, Resident's Fortnightly Report, July 17,1931, File No. 35-P(Sec)/1931.
- (25) Mohd. Abdullah, Sheikhm op.cit., pp.91-92
- (26) Resident's Fortnightly Report, July 17, 1931, File No. 35-P(Sec)/1931.
- (27) Mohd. Abdullah, Sheikh, op. cit., p. 94
- (28) Resident's Fortnightly Report, July 17,1931, File No. 35-P(Sec)/1931.

1. Rough Note on Political Situation, 1933, J&K Government; p.2; Resident's Fortnightly Report, May 20, 1931, File No. 35-P (Sec)/1931; Mohd Abdullah, Sheikh, *Atish-i-Chinar*, 1936, p.67.
2. Resident's Fortnightly Report, May 20, 1931, No. 35-P (Sec)/1931.
3. Ibid.
4. Resident to Pol. Secy., Govt. of India, July 11, 1931, File No. 35-P (Sec)/1931; Rough Note on Political Situation, Op.Cit.p.2)
5. Mohd. Abdullah, Sheikh, Op.Cit., pp.68-71; See also Resident's Fortnightly Report, June 19, 1931, File No.35-P (Sec)/1931.
6. Mohd Abdullah, Sheikh, Op.Cit, p.72.
7. Resident to Pol.Secy .Govt.of India, July 11, 1931, File No.35 -P (Sec)/1931; Rough Note on Political Situation op.cit., pp.2-3.
8. Resident's Fortnightly Report, July 1, 1931, File No.35-P (Sec)/1931; also Report, June 19, 1931, Ibid.
9. Mohd Abdullah, Sheikh, op.cit;, oo.72,75.
10. Resident's Fortnightly Report, July 17, 1931, File No.35-P (Sec)/1931; also Rough Note on Political Situation, op.cit., pp 2-3.
11. J&K Govt. Gazettee, July 9, 1931, File No.35-P (Sec)/1931.
12. Mohd Abdullah, Sheikh op.cit., p.79.
13. Ibid., pp.80-82
14. Ibid, pp.83-85.
15. Resident's Fortnightly Report, July 17, 1931, File No. 35-P (Sec)/1931.
16. Mohd Abdullah , Sheikh, op.cit.
pp 85-86
17. Rough Note on Political Situation, op.cit., p.3)

EMERGENCE OF GROWTH OF SHIV SENA IN JAMMU.

Since the early eighties, militant organisations of Hindu revivalism have proliferated in various parts of the country. In Punjab, sharpened trishuls have become standard wear for the aggressive Hindu Youth united under the battle cry of 'OM'. Elsewhere issues like Shah Banu affairs, Muslim Women's Bill, Babri- Masjid etc. have evoked militant response from the existing and newly emerging Hindu Organisations. The feeling underlying such movement is that the minorities have been appeased and pampered while the majority has been restricted from asserting Hindi nationalism which is believed to be the only basis for unifying the country. This mass psyche, reinforced by militancy in Punjab, has led to the intensification of the forces of Hindu fundamentalism, various socio-cultural - religious groups like the RSS, the Vishwa Hindu Parishad, the Virat Hindu Samaj, Hindu Samajotsav, Youth volunteer corps etc. have taken up the task of mobilisation of the Hindu masses by organising numerous Rathyattras, Dharnas, Marches, andolans, Padyattras and Kirtan. A new mood of aggressiveness has gripped the hindu youth. Trishul has emerged as the militant symbol of a number of self-defence groups formed in various parts of Northern India. Small towns across Uttar Pradesh echo with Shiv Sena cries 'Hindu Ki Pehchan', Trishul Ka Nishan'. Units of Akhil Bhartiya Shiva Shakti Dal have been formed in towns like Meerut, Khatauli, Sambhal, and Moradabad. Two district Shiv Sena groups are operating in Punjab - One in Jalandhar, Kapurthala and Amritsar and the other operating in Patiala and Hoshiarpur.

Like other parts of northern India Jammu has not remained unaffected by the growing Hindu fundamentalism and Hindu militancy. In reaction to the violence in Punjab involving the innocent Hindus, the Hindu militancy has been taking concrete shape in the Jammu province. Since the early eighties- For some time the militants acted individually or in loose combinations. Before the present Shiv Sena was formally launched in 1984, a number of small

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organisations and groups based upon Hindu religious symbols were already in existence. Two such groups - Shiv Sena of Gandhi Nagar and Shakti Sena of Old Jammu combined together to form the Shiv Sena. Both these groups had been organised in response to local conflicts between Hindu and Sikhs. An incident involving the capture of land by sikhs to construct a Gurdwara within the Jammu City led to the uniting of these two groups to launch the Jammu Shiv Sena. A central committee of the organisation was formed with eight members - four each from Gandhi Nagar and Jammu City. Of these, there was to be a President, Vice-President, a General Secretary, a Secretary, a Cashier and three members. Soon after the formal launching of the organisation, Shiv Sena set before itself the task of expanding itself. It was decided to have as many committees of this organisation as the wards. The expansion towards villages had started even before the operation Blue-Star and Shiv Sena had successfully established its committees in other Hindu strongholds of Jammu province including R.S.Pura, Miran Sahib, Riasi, Udhampur and Basholi etc. In the face of increasing violence in Punjab and the inability of the authorities to cope with the threat posed by the hostile forces in Punjab, the Shiv Sena found easy accept-ability in these predominantly Hindu areas.

The Shiv Sena is based upon the religious sentiments of Hindu and the avowed objective of this organisation is the protection of the 'Hindu' cause. It aims at creating awareness among the members of their interests. Idealising the term 'Hindu', the organisation has set before itself, the task of unifying the Hindu masses. Rising above the social grouping, dividing the members of Hindu religion into castes and sub-castes, this organisation is a movement for the greater Hindu interest, where every Hindu is to be treated as a Hindu and as nothing else. The Shiv Sena activists have tried to achieve this aim by substituting the word 'Hindu' for their castes or surnames. Like any other fundamentalist body it seeks to glorify religion. Its wide spread campaign asking people to be proud of being Hindu is based upon such glorification of
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the religion.

The unification of the Hindu masses has to be achieved for a wider purpose - self protection by the members of Hindu community. The religious persecution in Punjab and inability of the official forces to provide security to Hindu masses, has led this organisation to take upon itself the task of defending the Hindu people and organising them for the sake for their self-protection. The concept of self-protection is emphasised in its slogans like ' Shiv Shakti Kak Jap Karengae, Aapni Raksha Aap Karengae '- From time to time, it has demanded the right to arm people so that they can protect themselves.

It is in this context of Shiv Sena's self-defence approach that the aggressive nature of this organisation can be understood. It combines religious sentiments of Hindu with aggressiveness. Cashing upon the growing feeling among Hindus that militancy in Punjab and other parts of the country has to be countered by equally militant Hindu groups, the organisation seeks to justify its aggressive mood on the basis of religious symbols. The power of God, Shiva and symbol of Shiva, the 'Trishul' have become symbolic for this organisation. Slogans like ' Jai Shiv Shakti', Jai Trishul, clearly reveal the emphasis on religious aggressiveness. The Sena has often publicised its aggressive mood by displaying arms while participating in religious procession passing through the interiors of the city.

The Shiv Sena is a militant body and its militancy is based upon religious sentiment. It openly condemns the concept of secularism. According to its general Secretary, every party has created a hoax of secularism only to hoodwink the people. The interests of Hindus cannot be sacrificed at the altar of secularism. For this organisation Hindu interest is more important than the secular interest.

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Besides the use of the religious sentiments of the Hindu people, the Shiv Sena has also thrived on the regional sentiments of the Jammu people. A feeling of regional discrimination and feeling of discontent among the people of this region has given boost to political groups demanding regional autonomy from time to time. Shiv Sena has also raised such demand for autonomy to Jammu region. Its leadership believes that as a local organisation, it has a better claim to represent the local interest since the national parties tend to ignore the local issue at the altar of national issues. In the opinion of its leadership, Jammu region is given poor treatment at the hands of Kashmiri leadership imposed upon the local masses. Thus, it stands for united fight for the common cause of the Jammu region and demands for autonomy and more powers to Jammu region with respect to administration, services and other things.

The Sena has also raised the demands relating to the cause of national security and the national integration. It has shown its concern regarding the forces of disintegration in Punjab and Kashmir and has frequently demanded that authorities take stern action against anti-national elements operating in both areas.

The Shiv Sena claimed to be a non-political body. In the initial stages of its formation, it had declared its intention to remain away from any type of political activities. So much so that its office bearers had submitted affidavits to that effect. The organisation has been critical of all political parties and its leaders publicly condemned the role such political parties which exploit the religious sentiments of the people for their political ends. In the words of the president of this organisation, 'the politicians always exploit religious and other organisations for their vested interests.' In spite of its non-political stand, there have been demands from within the party to contest elections independently or in alliance with any political party. The organisation leaders have remained evasive on the issue of participating in

coming elections for Legislative Assembly in March, 1987 while the president of the organisation, in an interview with a local correspondent has categorically rejected the plan of the organisation to participate in elections, the general secretary has stated that it can think of supporting any party or person if the election manifesto commits itself to autonomy of Jammu region and undertakes to sacrifice regional interest at the altar of secularism.

The Shiv Sena activities have been wide spread ranging from religious to Semi-political ones. Its religious activities have been aimed at creating religious consciousness and religious unification. It has undertaken the task to celebrate the major religious festivals in an organised manner and in a way in which more and more people of the community are involved. Taking inspiration from the Muslim Haj Commitee, Sena has established its Dharmik Yatra Samiti, for reception of pilgrims to AmarNath. It has also organised 'Navratra Charhi' by organising the pilgrims to Vaishno Devi during the days of (Navratras'. Besides Sena also arranges weekly religious functions involving the people of Jammu in huge numbers.

Besides, the religious activities, the Shiv Sena has been involved in various activities relating to the public cause. When about a couple of thousand Railway Passangers were stranded at the Jammu Railway Station during the operation Blue-Star and later on after the assassination of Mrs. Gandhi, it organised people to provide them with food and other essential services. It also brought them the much needed financial resources since the business community heartily contributed to such public cause. In a rape case in the Jammu Government hospital, the organisation came forward to make it a public issue. It formed a hospital Sudhar Samiti to look after the hospital affairs. It has also offered its voluntary services for blood donation for the needy

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patients in the hospital. It has also acquired a mini-bus and converted into an ambulance in the service of the public. It also came forward to help people when heavy rains destroyed the houses of many people and helped them accommodate in the camps. It also involved itself in the Jammu Students' agitation on the issue of admission to the State Medical Colleges.

RSS is the backbone of all communal organisations of Jammu. RSS/BJP has had a very stronghold over the Hindu dominated areas of the Jammu province. In the earlier stages after the formation of the Shiv Sena, many workers and office bearers belonged to the RSS/BJP stronghold. but later on BJP people came out of the organisation and differences erupted between the Sena and BJP on many issues. BJP claims itself to be a wider body with national interest in view while Shiv Sena is a localised body. It has emerged out of purely local reasons and it has the interest of Jammu region as its major goal. In that way, Shiv Sena, as compared to BJP is narrow in outlook and parochial in its issues. Moreover BJP has a wider concept of 'Hindu' and it treats Sikhs as part of Hindu religion. Shiv Sena, which mainly came into existence in response to the Sikh militancy, refuses to accept such wider meaning of the term Hindu.

To certain extent the Shiv Sena has been successful in establishing its stronghold in Jammu and consequently minimising the influence of RSS/BJP combine in certain areas- The major reason for such success for Shiv Sena has been its focus on issues based on religious and regional nature. In the wake of communal violence in Punjab, the RSS/BJP have not been able to represent the growing mood of Hindu militancy. Since RSS treats sikhs as part of Hindu religion it does not want to be militantly identified against the sikhs. As against this Shiv Sena emerged in reaction to sikh militancy and it has publicly declared its aggressive ambition to counteract the sikh militancy. Moreover the BJP has not been able to represent the local issues of regional discrimination as it has

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concerned itself with the wider cause of integration of State within the National mainstream. On the contrary, Shiv Sena has indentified itself with local issues and supported the demand for regional autonomy.

Based on local religions and regional issues, Shiv Sena is a very localised body. It has its roots only in immediate Punjab problem and it has been reinforced on the bases of local reaction to anti-national forces operating in the Kashmir valley. Though local in its origin, the Shiv Sena has tried to establish wider links. Originally, it had no link with Maharashtra's Shiv Sena and there was nothing in common between the two name. Now the office-bearers of this organisation claim to have affiliated it with the Bombay unit and Bal Thakre has been acclaimed as the All India President of this Organisation. Moreover the leaders of the Shiv Sena are also thinking in terms of affiliation with other Shiv Senas in northern India and thus establishing one common Northern Shiv Sena. For this purpose communication with Shiv Sena organisations of Haryana, Himachal Pradesh, Punjab and Delhi have also been established and a five member central committee of these organisations has also been established.

An analysis of the emergence and growth of Shiv Sena in Jammu region reveals that while its emergence can be attributed to the aggressive mood of the Hindu masses all over the northern India, its strength within Jammu has been reinforced by the factor peculiar to this area alone. The psychological feelings of loss of power through the elimination of the 'Dogra Rule', the political reality of Hindu being in a minority in a predominantly Muslim State, the monopoly of political power in the Kashmiri leadership and a feeling of regional discrimination vis a vis the administrative and socio-economic benefits - these are some of the factors which have already contributed the feeling of

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separation of Jammu region from Kashmir valley." Sheikh reacted quickly and said 'if the majority of people in Jammu region believed that they could progress by carving out a separate state of Jammu, then there was nothing to stop them and we must part as friends." Due to the opposition of Jana Sangh and congress parties in Jammu he even could not implement the decisions of J&K State People's Convention of 1968 relating to inter-regional relationship.

However, bulk of people in Jammu have now accepted that article 370 of the Indian Constitution cannot be abrogated unilaterally .

Some of the dogra nationalist agreed with the Kashmiri nationalist that this article is a bridge between Kashmir and rest of the country . Balraj Puri is of the opinion that regional identities are now getting stabilized and even a party like BJP unlike its predecessor Jane Sangh and PP has accepted the essence of it by adopting the demand for constitutional safeguards for region (its memorandum to Governor of the State KT of January 1982).

I may conclude that one aspect of Jammu politics contributed towards alienation of Kashmiri muslim from rest of the country and by turning Jammu as a barrier between Kashmir and rest of the country, played a negative role. An equally important role was also played by an other section of Jammu politics in reintegration of Kashmir with national politics and thus, Jammu to act as real bridge politically as well as geographically between Kashmir leaders and National leaders.

THE
" KASHMIR MUSLIMS AND WORLD OF ISLAM "

(PROBLEMS OF SECULARISM, DEMOCRACY
AND SOCIALISM)

INTRODUCTION

Global attention of Islam, described as "Islamic
precisely
Resurgence/"revival of Islamic fundamentalism", a tendency
towards the reawakening of religious fervour and the
restoration of past, ~~the xx xx~~ has its overtones, though
limited in its scope, in the Kashmir State, ~~our~~
State has a complicated past, the contradictions
and the countless thorns that prick at both ends
require a ~~mental~~ mental effort if they are to be
understood. The ~~re~~nascent phenomenon ~~exposes~~ poses a
challenge for a penetrating analysis of various
socio-economic and politico-cultural factors in historical
perspective and regional dimensions 'by Islamists
and social scientists in the State. The subject of
study should richly reflect Kashmiri reaction to
and evaluation of contemporary developments in the
Muslim world. *world.*

The Muslims all over the world constitute the
second largest religious community, i.e. 750 million,
while the Christians are 985 million

(1) They are in majority in 36 countries and close to
50% of the total population in five other countries.

¹In the U. S. S. R. and ¹India where they are minorities ~~they~~

On page...?

they number together more than 100 million. Majority of them are rural people. Their main occupation is agriculture. The result is common poverty. The urban Muslim population constitutes only 28 percent of the total population. The common features of society are: low income, high unemployment. Being under-developed, are largely dependent in the sphere of economic development upon western countries. The adherents of Islam are a part of the two billion population of the third world wherein not more than ten percent monopolise all the benefits derived from the system.

(2). The Muslims do not form a single well-knit group in any country. They are divided into ~~ethnic~~ ^{ethnic groups} groups more than (300), and speak dozens of languages. The class divisions are sharp and economic inequalities are wide. Irrespective of none of spiritual distinctions apparently but the overwhelming population smarts under economic and political tyranny. Mostly Muslims are in social servitude. The Islamic way of life is not an autonomous category but only one of the many factors which moulds the people. The importance of religion

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cannot be underrated but it will be incorrect to consider it as the central. The advent of new Muslim ^{states} states after the World War Second and forced withdrawal of ^{European} ~~European~~ colonialism from Asia and North Africa, the use of oil weapon against the Anti-Arab, along with the huge accumulation of petrodollars by certain Arab countries, and secondly, the decision of almost all Muslim States to adopt Islam as their constitution meant that east was on the threshold of liberation from century old dependence on the west, to function as an

On page...3

independent, socio-political system based on a philosophy of ~~Life~~ - 'Islam', side by side with capitalism and communism.

II. THE POLITICS OF REVIVALISM:

The attempts for the establishment of Islamic system is not a new, but was always present and Muslim theologians of eminence and thinkers from 'Al-Ghazali' of the 11th century down to Abul-Ala-Maududi of the present times expounded the idea. It has been the main theme of several revivalist movements of modern age. Islamic 'Resurgence' is equated with fanaticism of the Khomnis and Zia-Ul-Haq's, barbaric punishments to certain crimes and with the reactionary objective of establishment of so-called 'Islamic system'. This perspective reflects lack of sincere desire to appreciate the role of economic, political, cultural and historical factors objectively.

The movement for Islamic revival, has been characterised not a product of mass upsurge by eminent scholars on the subject but chiefly shaped and directed by the State. They advocated that Islam is being expected to serve the interests of upper classes and groups in different countries. Such ~~an~~^{an} approach to Islamic fundamentalism ignores basic economic issues and thwarts liberal and modern trends. In this respect the Iranian revolution is the unique. It projects the two pronged policy of 'Islamisation' and liberation from the centuries old political, economic and cultural domination of the west - the two basic elements of Islamic resurgence. The late Dr. Ali Shariati, leading intellectual of Iran, interprets Islam as a faith aiming at the liberation of the oppressed masses. On the economic aspect the other

On page...4

luminary, 'Bakht' 'Bani Sedar', influenced by Marxist ideas stresses social justice in Islam and advocates elimination of capitalist relations. The west is main factor, in precipitating, two apparently contradictory trends in the Muslim world- modernisation and Islamisation. Recent intellectual developments can be interpreted in the context of the two trends.

THE WESTERN MEDIA AND MUSLIM WORLD:

The deliberate attempt of western media to present the phenomenon couched in a terminology of distortion is prompted by the heinous designs. The expressions, "Islamic Resurgence", 'Muslim Revivalism', muslim fundamentalism militant Islam, 'Islamic Revolution', the return of Islam identity, 'New wave of Islam, Islamic search for identity/ are misnomers. It is a subtle and elusive technique of equation of these trends with fundamentalism of Khomemini and Zia-Ul-Haq's - anti secular, obscurantist and anti-democratic outfits. These trends have about six hundred years history behind them. 'Ibn Taymiyyah' (13/14th Centuries anti 'bida' movement was a pioneering attempt in this direction. Sheikh Ahmed Sirhandi (d. 1034/1625), Shah Waliullah (d. 1176), Tahirik Mujahideen of Syed Ahmed of Rai Bareilly, Abu-Ala-Madudi are Indian imitators of the same concept and philosophy. In Egypt and Arab its exponents are:- the 'Salafia' movement of Sheikh Mohd Abudh, 'Ikhtul Muslimoon', of Mohd Qutub, and revivalist movements in ^{Malaysia} ~~Malaya~~ and Indonesia represent the long tradition of Islamic fundamentalism. These movements have a long record of struggle against the formidable force of change - change in social and intellectual terms. The fact is that Muslim politics can be measured in terms of economic realities of these societies rather than the religion. These are the varieties of fundamentalism varying in content in different countries. In Iran it was a struggle against monarchical dictatorship. In Pakistan it is a cover for rule of a Military Junta which is backed by the

'Rightist Jamat-e-Islamic'. In Egypt it is a 'Ikhwan' reactionary politics against Egypt's ^{national} ~~national~~ revolution. In Turkey it is a battle between modernists and conservatives. In Saudi Arabia, it is maintaining monarchical rule. In India it is the assertion of rightist politics of the 'Ulama'. All this shows that there is no common yard stick for varying brands of same species- fundamentalism. Islam of the 'Ikhwan' differs from Jamal Nasir's or that of Mustafa Kamal from the Turkish 'Ulma'. The versions of Islam propounded by Sir Syed ~~and~~ ^{and} Mulana Madoodi differ. Islamic world abounds in nation states, it cannot eliminate the deep rooted prejudices of the Turks, versus Arabs, Arabs Versus Persians, ~~ss~~ persians Versus Kurds, Kurds Versus ~~Poluchis~~ ^{Poluchis}.

III MUSLIM POLITICS OF FUNDAMENTALISM.

The fundamental-ism is a handy weapon for dictators and absolute monarchs to justify their non-democratic oppressive regimes on the grounds of Muslim religion.

"Thus it is the politics which decides and determines the meaning of Islam and not vice-versa. (2).

(2) The elements of the ideology are the glorification of ~~part~~, hostility towards west and the progressives, the notion of Islamic solidarity and identity and the sanctification of private property". (3) "

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(3)

BATTLE OF IDEAS IN ISLAM:

In the womb of Islamic world a progressive trend took inception and negated the revivalist trend. The 20th Century produced two great thinkers, Iqbal in the Indian sub-continent and the Martyr, Dr. Ali Shariati, in Iran. Iqbal in his monumental work, "The reconstruction of religious thoughts in Islam," gave a creative and radical interpretation

on page...6

to the Islamic precepts, favoured Secular thought on scientific rational ideas and further enriched 'Averosse's (Spanish)-valid/sound rationalism.-(an outstanding rational cordiven philosopher). Iqbal being an inner radical, evolved the concept of 'Men of faith' with a social commitment. Dr. Shariatis ~~Muslim~~ 'mumin' belongs to the 20th century) humanist tradition, and stands on the side of oppressed masses. Shariatis interpretation of the Shi-ism is, perhaps, unique in the literature of the Shia religion. Both thinkers, Iqbal and Shariati, inner radicals, are poles as-under from the ~~revivalist~~ ^{Revivalism}, like Maulana Maududi. Shariati and Iqbal believe in the total change of society; for the emancipation of down trodden while the revivalist gaze is 'on the past'. Analysing the phenomenon of fundamentalism, in his thought provoking Book, "Islam and Revolution," Asghar Ali Engineer Says:

"It is not very difficult for a careful observer of the socio-political scene in the Muslim world to understand that it is not religion which inspires the politicians but politics of the ruling classes which determines the instrumentality of religion. Whether it is the "Nizam-e-Mustafa" of Zia-ul-Haq in Pakistan or the fundamentalism of Khomeini in Iran... none has remained untainted by politics of the ruling ~~classes~~ ^{Classes} in these countries." (4).

HISTORICAL ROLE OF ISLAM:

The Islamisation of the society has not been the result of peoples movement. There was no initiative from popular masses on this account, neither in Pakistan nor in Iran much less in Saudi Arabia to enforce the Islamic 'Sharia'. In Kashmir state average Hindu and even Muslim semi intelligensia is quite ignorant of historical role of Islam and the tremendous contribution of Arabs to world civilization-rationalist thought. Islam should not ~~to~~ be looked only from the angle of ~~revivalism~~ ^{revivalism} but its essence:- Rationalism requires a serious consideration and comprehension of dynamic

revolutionary concept of Islam is to be ~~demanded~~^{defended} and further developed. This is the central point in Islamic thought and all other views are trivial and subordinate to it.

A proper appreciation of the cultural significance of Islam is of supreme importance in this crucial period of Kashmir History. An eminent Indian, radical intellectual, M.N. Roy in his book, "The Historical Role of Islam" describes the rise and expansion of Islam as, "How did that stupendous miracle happen? That has been one of the baffling questions for historians. Today the educated world has rejected the vulgar theory that the rise of Islam was triumph of fanaticism over sober and tolerant peoples. In fact, the phenomenal success of Islam was primarily due to its revolutionary significance and its ability to lead the masses out of the hopeless situation created by the decay of the antique civilizations not only of Greece and Rome but of Persian and China - and of India". The main weapons of Islam in its dissemination and propagation were instruments of experimental science and rationalist philosophy. The Arabs absorbed this weapon invented by the ancient sages of Greece, came to the possession of the founders of modern civilization through the Arab intellectuals, who ~~developed~~^{developed} it handsomely. This battle of rationalist ideas was fought step by step by Arabs and finally it culminated and further developed under the patronage of 'Encyclopaedists' of France, popularly the phase of this progress is known as 'Age of reason', in Europe. The development of Arabian rationalism lasted for five hundred years, this was the darkest period of European history. The father of modern rationalism and pioneer of scientific Research, Roger Bacon was a disciple of the Arabs.

On page...8

The memorable luminaries of Arab culture Al Kandi, Al Hassan, Al Farabi, Avicenna, Al-Gazali, Abu Bakar, Avempace, Al-Phetradius have gone down in world history as Philosophers, men of science and medicine. Th Averos, interpreted the nature. The ~~concep~~ current notion of revivalism and bigotry pales into insignificance and loses all historical authenticity, that men of Science were appreciated by successors of prophet. These philosophers through their teachings made known to the world the assertion of the reason of man as the only standard of truth. It may be noted that Islam had played out its ~~progressive~~ role before it penetrated India.

Retracing the history of rationalism since advent of Islam is not a digression, but an attempt to cure the narrow-mindedness of Muslims of our ~~day~~ ^{day by} reiterating glorious heritage of the past and bringing them face to face with the true spirit of the faith they profess.

IV. GENESIS OF VARIANTS OF THEOLOGIC TRENDS.

In the imperialist epoch, the Arab, north-Africans, south Asia were special target of colonial loot and political domination. Their liberties were curtailed, economic development was thwarted, social culture and education was forcibly kept at lower level. Imperialism's agents as compradores-local gentry, feudal landlords, oil rich Sheikhs tried to put obstructions to the continuity of rational thought under the guise of revivalism and fundamentalism. The 'Ulmās' in collaboration with the native exploiters defended this set up by insisting on retaining the theological dogmas evolved during the medieval ages lock, stock and barrel. It is being termed as "Traditional theology".

In historical retrospect, analytical study of Islam reveals the growth of various theological trends in opposition to traditional. During the rule of Abbasis, when Baghdad school of learning became ~~culture~~ ^{centre} of world culture,

the 'Mutezilah' and the 'Ismailis' developed a rational theology and the 'Qaramitah', the branch of Ismailis-even a revolutionary theology. The 'Kharifites' too challenged establishment and developed their theology accordingly.

These theological schools blasted 'Umayyad's reaction, oppressive regimes hated by the people. The theologists of these new trends in Islam, aroused the aspirations of non-Arab and Arab origin. The Elite of the Persian Society was in line with these new aspirations and trends. However, these sects were considered heretic by orthodox 'ulma', but they had their day, left a solid impact on the Islamic world philosophy. The 'Qara Mitah' were against the institution of private property and lived in communes. 'Nuwayari' in his 'Nihyah al-Arab' and Nazir 'husraw in his 'Safar Namah', have given vivid account of the movement of the Qaramitah and their communistic life. Mansur al-Hillaj, a famous Sufi saint, condemned to death and hanged by Abbassides, also belonged to this revolutionary sect of Islam.

The Kharjiites, emerged as a trend in Islam called Liberation theology. They were against monarchy and dynastic rule. They were mostly simple 'Bedouins', the "Internal proletariates". Their slogan was, 'La hukumah illa lilah (i.e. no Govt. except that of God). Liberation theology a by product of Islam-stresses on freedom, equality and distributive justice. It is against exploitation. The liberation theology is sublimation and climax of rational theology. In our times, Jamal-ud-Din Afghani, Mohd Abudh, Abdul Rehman al-Kawakabi, Sir Syed Ahmed are the main exponents of this trend in Islam.

The liberation theology is not only a philosophical trend but an effective weapon for emancipation. This trend in Islam stands for social justice and is against concept of private ownership in property. The prophet of Islam (Peace be on him) was unequivocal against 'the practice of accumulation of

wealth, the Miccan verses revealed to the prophet support this contention. The powerful merchants were sworn enemy of prophet and vociferously opposed prophet. The ~~just~~ first batch of followers of prophet of Islam were either youth or weaker sections of society. In consonance with these precepts liberation theology in a capitalist society advocates creation of socialistic structure with emphasis on equal distribution of all resources. ~~Muslim politics in~~

MUSLIM POLITICS IN MODERN KASHMIR-OLD AND NEW

An attempt has been made in this paper to delineate the entire convass of turmoil in Kashmir in the context of currents and cross currents ^{of world of Islam and} ~~of the ancient and the~~ sub-continent, ~~sub-continent~~. The features of the ancient and /medieval phases of the history of Kashmir need not be analysed here. But one distinctive feature of the tradition spread over these periods should be kept in mind while analysing modern ~~developments~~. Unlike other mountainous regions of the Indo-p-k sub-continent, which were more or less 'refuge areas' or blind alleys of social development, Kashmir due to its strategic location at the hub of Asia has been the recipient of major cultural influences from the surrounding regions. They still persist and can be easily discerned in the spiritual, ^{ethnological} ~~cultural~~ and cultural life of the people. Though the valley has been imbibing external influences, it has succeeded in preserving its individuality. It has absorbed the healthy elements from outside but never ~~got~~ submerged in them. The valley evolved its own brand of human secularism since the spread of Islam. ^{It} is of ~~the~~ different nature, the process appears peaceful, though discordant notes were here and there in the symphony.

On page... 11

"Islam made its way into Kashmir," says, M. A. Stein,
 "Not by forcible conquest but by gradual conversion, for which
 the influx of foreign adventures, both from the south
 and Central Asia, had prepared the ground"(5).
 On the advent of Islam in the valley, Brahmanical system
 was in decay, condition of the people was miserable,
 stinking social customs, political disarray and urge
 for emancipation proved a fertile ground for dissemination
 of Islam i.e. gospel of unity of God, equality and
 rejection of idolatory!

It was spread by sufi Saints, among them the
 tallest was Amir Kabir, great Amir, Sayyid Ali Hamdani
 Shah Hamdan. He was an erudite scholar, great orator,
 simple and spartan in habits. His marvellous two books
 which he authored were 'Zakirat-ul-Muluk', and 'Ghayat-ul-
 Makan'. The first book, advocated the idea that a ruler
 should be impartial "and should not make distinction
 between believers and non-believers"(6).

Shah Hamdan did not favour patronage from State in
 dissemination of Islamic ^{gospel} ~~gospel~~, he was assisted by
 in his mission by a local contemporary, 'Lalaishwari'.
 The fundamentals of her religion were the rejection of
 idolatory, unity of God and practice of Yoga".(7).
 These precepts were the basis of sufism as well. It initiated
 the process of compendium and harmony between Hindu vedantism
 and sufism, between hindus and Muslims. Syid Ali Hamadani
 only extolled sufism or Islam. Such an application of Islam
 originated an order of Rishis- founded by great Rishi
 Sheikh Nur-ud-din alias Nand-Reshi'. These venerated Rishis
 include Sheikh Hamza Makhdum, Baba Nasar -ud-din, Baba
 Bam-ud-din, Sheikh Dawood (Batmalu) Baba Zain-ud-din. These
^{Rishis} evolved a composite, secular human culture-.

on page... 12

The Islamic influence can also be detected on the 'Advaita Saivism' as preached by 'Lalleshwari', affectionately called by all Kashmiries Lal Ded, or Lal Ded Arifa. 'Popular Islam in Kashmir' says Mohibul Hassan, "thus became diluted with foreign elements and this character it has retained until today (8).

The ~~xx~~ impact of Islamic ideas led to the formation of syncretic cult, a process of synthesis between vedantism and Islam in the valley. Observing it an eminent Englishman of high stature and author of "valley of Kashmir", commented, "But close observers of the country see that the so-called Muslims are still Hindus at heart." (9).

In proximity to traditional, historical and cultural development of Kashmir, a movement was born for freedom under the leadership of enlightened Muslim ~~xxx~~ elite - called Muslim Conference in 1931. A section of intellectuals, engrossed in appearances and ~~fall~~ perhaps incapable of deeper probings in the social process, consider the 1931 outburst to be essentially communal in character. In a region with a predominant Muslim population it is only natural that the movement for emancipation was spearheaded by the Kashmiri Muslims. It may be noted that the religion of the ruling dynasty happened to be Hinduism and the main educated class in the valley, who were manning all the rungs of administration also happened to be Kashmiri Pandits. In such a historical context the movement appeared to be the outburst of the oppressed Muslims against hindu rulers. But this is very superficial view which ignores the basic social and political processes operating under the surface. It was the error of

the Muslim Communal historians of India who failed to discover the basic motivations behind the Hindu Sources of inspiration of a Tilak or Savarkar. Such notions of history have fed and still feed the ~~irrational~~ ^{irrational} and obscurantist two nations theory. This approach takes ~~takes~~ various forms and some times its exponents appear to be arrayed against each other in opposite camps of modern historiography. But ~~xxx~~ in its essential character this trend is unified whole and arises out of the historians inability to recognise the limitations of social backwardness and its compulsions in the freedom struggle of a stagnating social organism. The only scientific study of such movements is to analyse their sources, their basic motivations as also the alignment of the various component classes which participate in such struggles. Based on such a scientific methodology, the conclusion is inescapable. The 1931 revolt, was not purely a Muslim revolt, but an authentic revolt of the people of State against the political, social and economic oppression by the ruling class and their henchmen. The rebellious element were the Muslim intelligensia, the trading class and the ~~masses~~ ^{Peasantry} of ~~peasantry~~ who were greening under the yoke of feudal rule.

Hence, seen historically, the characteristics of the revolt were essentially neither unhealthy nor communal but sound progressive and national. The limitation imposed by the communal form were important but the logic of its national content was of far greater significance. This phenomenon has been elaborated by outstanding Soviet academician Prof. R. Ulyanovsky in his provocative

On page... 14

article, "Influence of Religion on social thought", describes it as "during the early stages of the national liberation movement (prior to the first world war), almost all the anti-imperialistically oriented spokesmen of the middle strata who were more or less associated with the urban petty bourgeoisie and the peasantry presented their progressive anti-imperialist and bourgeois-democratic ideas in a religious guise (in India), Tilak's idea on the revival of hinduism, ^{or} the pan-Islamism of A.K. Azad and other petty bourgeois Muslim ideologists in India, Iran, the Arab countries, or again, the ideas of "Muslim Nationalism," propagated by the leaders of the 'Sarekat-e-Islam in Indonesia etc)"

"The Chief criterion in analysing the influence of ~~on~~ the religion on the ideology of different social strata should not be religion per se, but what religious traditions are singled out for emphasis and what ends these traditions serve the interests of what classes they promote" (10).

Even during the 'Muslim Conference period,' subsequently got converted to "National Conference", the old religions shall began to be filled more and more with new content. The nationalist minded intelligentsia began to question simple "revival" of the traditions of past and to think about changing these traditions to suit the new conditions. A close study, however, reveals that this nascent movement fought its way to assume a progressive and a secular complexion. The essential content proved too powerful for the form. The form was rendered obsolete and thrown in the dust-bin of history.

The main religious-cum-educational organisations of the Punjab which supported the Kashmiri movement were not dogmatic and fanatical in outlook. The 'Anjuman-i-Hamayat ul-Islam' the 'Majlis Ahl-e-Haq' and 'Ulema of Deoband', 'Jamiat-ul-Hind' were militant, anti-British Muslim Nationalist organisations.

The composition of leadership belonged to Aligarh School of thought who provided main political-ideological leadership. The leadership was reared and nurtured on the rationalism of Sir Syed Ahmed Khan. This school of thought attacked religious bigotry and advocated secular education, and modern values of western culture. According to Mr. Iqbal, Sir Syed Ahmed Khan was the first Indian Muslim who felt the need of a fresh orientation of Islam and worked for it. He was champion of Hindu-Muslim Unity. He said in one of his lectures that "Hindu and Muslims form one nation regardless of their faith. It was logic of history that in 1939, 'National Conference,' emerged as a solid organisation in the State. In 1944, "the revolutionary character of Islam" aimed at fusing traditional Muslim values with the ideas of the progressive reconstruction of society paved way to the adoption of 'New Kashmir'- a radical socialist programme. "To day one cannot be true to the spirit of Islam without being a revolutionary", said Ahmed Raza, one of the Muslim ideologues. (11).

ANTI SECULAR TRENDS AND SEARCH FOR NEW PATH: *

The search for new path, a path of secularisation- against both Muslim and Hindu communalism, and evolving a radical programme in conformity with the essence of Islam, the patriotic progressive intelligentsia of Kashmir, considered that Islam is closely connected with secular and egalitarian concepts about social justice and in the course of anti-imperialist and anti-feudal struggle, it integrated into nationalism; awakening patriotic sentiments in the people, religious traditions in the conditions prevailing were used as a means of involving the Muslim majority in the State in secular matters.

The right wing conservative forces (in particular Jammu Muslims) who parted at the time of this qualitative leap of ideological stance in 1939 and organised "new-Muslim Conference" openly used Islam as a barrier in the way of deepening and development of socialist orientation i.e.,

essence of Islam.

The struggle of the Kashmiri people against the Pakistani invaders, the unity of Kashmir Masses and the decision of the National Conference of J&K to link the state's destiny with that of India, greatly contributed to the strengthening of the secular sentiment in our country's politics. The decision of accession was taken by Kashmiri people, when subcontinent's politics was swayed by ~~xxxx~~ tragedy of partition, and "dagger communalism" in Jammu division. The Jammu was overtaken by a nexus between communal politics, anti-social elements and the administration, making the attack on Kashmir secularism a pincer, attack. At the time of the momentous decision of accession, the Kashmiri secularism was under severe strains.

"Sardar Patel and Acharya Kripalani (then Congress President) were taking a thoroughly communal-chauvinistic position. And naturally it was being fully exploited by the P. S. S. and other communal forces. In the secret session of the A. I. C. C. (in November 1947, Delhi), Acharya Kripalani had spoken along the following lines: (1) prepare for war against Pakistan; (2) Use the Muslim Minority in India as hostages for protection of Hindus in Pakistan; (3) and if hindus in Pakistan did not get any protection mass migration of the Muslim minority should be organised; (4) treat Muslim leaguers as fifth column", (12).

But inspite of the adverse circumstance, the Kashmiri secularism stood the severest test. The assassination of Gandhi, and the glorious struggle of ~~xxxx~~ the people of Kashmir became the main instruments to build a genuinely secular and democratic society in India. The torch of secularism in ~~xxx~~ Kashmir was illuminating a new path at the difficult turn of history.

Before we critically examine the anatomy of Muslim fundamentalism and separatism in the State and its philosophy, it is worth while to trace its historical genesis, and growth.

To ~~xx~~ escape from the wrath of Timur, large numbers of ~~W~~ Syids, fake and genuine came in the time of Zain-ul-'abdin, and a number of Sufi orders, Qadiriya, Suhrawardiya, Khariviyah, ~~Naqshbandhi~~, Murbhakshya, and Rishis surfaced in the medieval society. Except last the rest were foreign from Persia and Turkistan. In the initial stages, they played a constructive role, but with the advance of time, ^{de-}generated and played a reactionary as well. The descendants of these sects not only monopolised religion, but were also the leading traders and administrators. They oppressed the native people. Moreover by the admission of alien practices and ideas, " Says Mohibul Hassan, 'Islam became debased.' The ~~g~~ ^hrats and Khanqahs, with which the ^hco-untry was studded, became the centres of superstition. They began to be worshipped by credulous masses who came there as pilgrims to beseech the aid of saints (13) The syids got involved, in power politics and manipulation, altogether forgot their mission to Islam.

'Sufism' - ~~a~~ mystic Muslim asceticism declined owing to actions of representatives of the school of thought - Qadris, Naqashbandhis etc. Mystics consorted with Kings and nobles, dabbled in politics, perpetuated succession to the saints in their own families, paid scant respect to the injunctions of 'Shariat'. In accordance with the precepts of Sheikh Nizam-ud-din Auliya, Sufis should not enter Government service, ^{Keep} ~~kept~~ away from politics, and shun Jagirdari. Happiness lies in 'Faqr' (poverty) and sadness which emanates joy and delight. According to text (c.f) 'Kashf-ul-Mahajub', 'The prophet of Allah (blessings on him) was a man of prolonged sadness and deep reflection' (13A).

The descendants of all these 'silsilahs', due to their hunger for power, money, business, could not live up to the noble traditions, were also cramped by hair-splitting theology. Kashmir Mysticism degenerated into occultism, passivism and grave worship. It was negation of the true spirit of Islam. True mystics ^{Andam} ~~continue~~ grave worship but ~~xx~~ does not disapprove the visits to the graves of saints.

THE ROOTS OF FUNDAMENTALISM:

It is historical fact that on the eve of 1931 outburst for emancipation, such segments of society who were not in favour of turning the wheel of history onwards were on the side of feudalism, absolute monarchy, local bullies and connived with upper clergy to oppose the movement spearheaded by plebians and lower clergy. They opposed the movement at crucial stages - Conversion of Muslim Conference to National Conference, adoption of Socialistic 'New Kashmir' programme and in 1947, the accession of Kashmir to Indian Union. After 1947, they ~~strived to build~~ ^{tried to build such} ~~movements~~ ^{movements} in alliance with erstwhile reactionary sections, which would have turned the wheel of history back. But miserably failed. History is cruel goddess.

The year 1953, was ~~key~~ ^{day} for these backward sections in politics. The secular forces got split, the ruling Junta sought their cooperation and support to fight S.M. Abdullah's influence in the valley. They availed of the opportunity by infiltrating vital administrative rungs and through subtle opportunist tactics entrenched themselves in the susceptible mind of certain sections of people. The Bakshi's N.C. since 1953 and afterwards Congress ~~ss~~ ^{ss} lacking mass base utilized such forces as main agency for 'vote banks'. In 1972, the Kashmir state was the first State in the Union where Jamat-e-Islami at hustings returned number of seats to Legislative Assembly. It is being alleged that there was some sort of secret understanding between a faction of congress and Jamat. .

One of the first things that the Jansangh did after its formation was to build up a thoroughly communal campaign to oppose the special status of Kashmir in the Indian Constitution (i.e. 370). This only helped to complicate the problems in Kashmir, facilitated the rise of a pro-pak and fundamentalist trend among the Kashmiris and encouraged the American imperialists to fish in troubled waters.

Though Kashmiries are a majority in the state of J&K, yet constitute a minority in India. There are also tangible factors for their motivation towards fundamentalism and revivalism; there are external factors also - such as a phenomenon has been elaborated and well put by B.T. Ranadive: a leading Marxist; to quote:

" The rise of appeal of Islamic fundamentalism, the growing appeal of Muslim Communalism, among the Muslim masses are a logical corollary of the present situation and play of class forces. Islamic fundamentalism is used in west Asian countries to fight the pro-gressive democratic and proletarian forces and install reactionary regimes toeing the line of imperialism. In India appeal falls on eager ears because the Muslims are not only poverty stricken but are discriminated against, and treated as second class citizens. The consciousness is not one of common suffering ~~shared~~ shared with the rest of the poverty stricken masses, but of injustice at the hands of Government whose leaders ~~belong~~ belong to other faith. Religious ideology now intervenes actually to keep the Muslim mass away from the common democratic and class struggle and also undermine national consciousness, corrode sense of all national unity. A bourgeois-landlord regime cannot do justice to minorities - religious, cultural etc.... The alienation arising from this is exploited by purveyors of religion... (14) "

Such a type of minority separation is not based on untenable position, but on genuine and burning grievances, being given a religious and communal twist by the fundamentalists. Hindu ^{communalism} ~~communism~~ led by the R. S. S is an example of separatist outlook not based on any grievance. It is a militant appeal to incite communal antagonism.

Another problem that greatly affects the Muslims is that they do not get even reasonable

opportunities for jobs either in the administrative offices or private establishments. The educated young men and women among the Muslims keenly feel it as a kind of discrimination and naturally get frustrated.

However, it is one thing to adopt a secular constitution and another to make secularism a way of life. As in the days of the freedom struggle, in the post independence period too the bourgeois leadership of Congress (barring honourable exceptions) failed to live up to the secular principles of the Constitution.

A NEW SECULAR STATE AND MUSLIM MINORITY:

The new Constitution framed after the attainment of independence is secular. It gave legal form to the radical ideas- the ideas of a society free from the social oppression, free also from the interference of religion in secular matters. The provisions of the Constitution embodying these secular precepts should be seen against the position in many Indian States which had certain attributes of a theocratic State. The Hindu rulers of several states combined in themselves control over religious institutions and over the State administration. The republican constitution abolished these remnants of theocratic State and provided for the complete equality of citizens belonging to various Hindu castes and believing in various religious faiths. It expressly provided even for those who do not believe in any religious faith. But present practice bears testimony to the fact, that, however, it virtually remains on paper. There is no complete separation between 'State and religion' and 'Church and Education'. The Muslims are the biggest single religious minority in India with their own historical and political background. Even in our secular State, the Muslim minority does suffer from a number of disabilities.

Both Jammāt and Jan-sangh (now B.J.P) led by P. S. S. representing anti-secular trends, detest most the secular character of Constitution. It is interesting to note that late in 1968, the editor of 'Jammāt-i-Islami' organ, Nawat (Nawab) Muhammad Muslim, a prominent leader of Jammāt

after a long talk with Jan-Sangh leader asked him to recognise the Jammat as the representative of Muslims, while the Jammat would recognise the R. S. S. as the representatives of the Hindus. This is how the Jammat wanted to safeguard the interests of the Muslim Minority. This was a proposal for the formation of a grand alliance of the Jammat and the R. S. S. against secularism and democracy.

After the Rajiv Gandhi and Farooq Abdullah ^{between N. C. and} accord, and ~~xxx~~ formation of coalition Government/Congress (I) there has been ^{under} surt in the activities of political organisations functioning/the ~~clerk~~ of Islam. The newly formed "Ummat Islamiya" operating under the pro-India sign board has become an active ally of N. C. (K) and people's conference. The main lever of this united front is 'Jammat-i-Islami' which surfaced on Kashmir politics since 1953. There has been a flutter in country's media about the same and divergent interpretations are given to this development on the eve of elections. The press has been flabbergasted by suddenness of the move and its twists and turns. It is wrong to think that sudden changes in politics are impossible, what is sudden for one person may not be sudden at all for another, eclipse of the sun occur, suddenly for the ignorant but by no means for the astronomer. The same things apply to political domain, political events happen 'suddenly' for the ignorant and the great majority of self satisfied philistines, but very ~~xxxxx~~ often they are by no means sudden for the man who understands socio-political phenomenon surrounding him. About the inception and growth of Jammat in Kashmir politics I have given a brief introductory remarks. The Jammat-i-Islami was established in August 1941, by Maulana Abu Ala Mududi, (1903-1979). The slogan raised by Jammat for the establishment of Deen (religion) in its implications was the rejection of socialism, democracy, nationalism and secularism. The aim of Jammat is to set up an ideal state on Islamic theocracy. After partition Maulana moved to Pakistan, and resorted to all types of opportunism in the name of Quran and Haidith. A separate organisation

On page... 22

Jammat-i-Islami Hind was founded in April 1948, with Maulana Abdul Lais Islahi as its Amir, (Chief).

The organisation having anachronistic political ideals has to function in a different ~~social~~ and political set up. India is a secular democracy and Pakistan is a fundamentalist military dictatorship. The Indian Constitution is a democratic one, hence unpalatable to the Jammat.

Maulana's recipe before partition was: * A Muslim religious State for Pakistan (based on the fanatical and ~~unxxx~~ anti-democratic views of Maulana Maudoodi; and Hindu religious state for India. In reality Maulana was reechoing Guru Golwalkar's theory of 'Hindu Rashtra'. In 1953, after anti-Ahmadiya riots, in which Maulana was the main inspirer, he reiterated his views before a commission of Inquiry (Muneeb Commission) thus:

Justice Muneeb: As you are saying if an Islamic Government is established in Pakistan and in consequence a Government following Hindu religious laws is set up in India then will you oppose such a Government? or if the Muslims there are treated as irreligious and untouchables according to Hindu religion, then will you submit before it?

'Maulana Maudoodi': Yes. If a Hindu Government in accordance with Hindu religious thought is set up in India and laws taught by Manu are promulgated there and the Muslims there are treated as irreligious and untouchable persons, the Muslims having no place in the Government and not having even the rights of common citizens, even then I will have no objection."

In essence this is the Jammat's political philosophy. It needs no comment, it is self explanatory.

It is anti-secular, anti democratic and considers right to property (Private ownership) sacrosanct. It is ignorance, an attempt to make politics subservient to the interests of the few in the name of Islam.

The Jammat's main target and concentration of its activities is the Kashmir valley. On the political front the 'Jammat' stresses a separate political organisation of the Muslims. Till 1962, Jammat abstained itself from

~~xxx~~ election, in 1962, it accepted the utility of elections.

The first accord, known as, Sheikh Abdullah-Sat. Indira Gandhi accord was signed in 1975, for the reasons to forge unity of secular forces in the state. It did bring some ~~desired~~ ^{desired} results, and the disruptive forces were to some extent isolated.

But inside Congress(I) a powerhungry faction took precedence over the interests of national unity. A Government of defectors headed by discredited G.M. Shah was installed. It provided ~~big~~ encouragement to forces of fundamentalism and separation which found a fertile ~~ground~~ breeding ground to pursue their nefarious designs. The result was serious communal tension in J&K in last February 1986. The new grand alliance of fundamentalism calling itself the "Ummat-Islami" emerged. It created a grave situation in sensitive border state.

Such a State of affairs reawakened the patriotic forces and a popular Govt. was installed. A Government headed by Dr. Farooq Abdullah of alliance of N.C. and Congress(I).

Situations in Kashmir demands the unity of all secular forces to fight forces of extremism.

The situation is very serious. Every right thinking person must ponder over it, narrow partisan interests should be shunned.

A fresh mandate, to a great extent, could save the situation.

TASKS OF SECULAR AND DEMOCRATIC FORCES:

To defend the concept of democracy and secularism a massive effort of all secular forces is need of the hour. Progressive ideas cannot be effectively inculcated either by economic struggles, or by political struggles or a combination of both. The struggle on the economic front should be combined with a third - ideological struggle. It is here, where bourgeois organisations; congress and N.C. falter and fail.

"The massive propaganda campaign is needed on the democratic traditions of Islam as against the bigoted, harmful preachings of reactionary Muslim organisations like the Jammat-i-Islami". Of all the religions of world,

PRE-INDEPENDENCE POLITICS OF JAMMU- A
AUTOBIOGRAPHICAL VIEW

By Gopal Dutt Mengi

The first regular political stir which ultimately became violent, is known to have started in Jammu and Kashmir State in 1931, mainly instigated by the British India Government following their strained relations with the Maharaja of the State.

Thereafter a Commission of Enquiry headed by the British Political Officer and named Glancy Commission after him was set up. Hindus of Jammu boycotted it on account of its communal terms of reference. Their nominee on the Commission, Pandit Lok Nath Sharma, Advocate resigned from it.

As apprehended, the Glancy report recommended communal representation in service and separate communal electorate for the newly proposed State legislature. This was a signal of the first protest movement by the Hindus of the State against the government headed by a Hindu Maharaja.

Among those who led the protest in Srinagar and were arrested included Pandit Keshab Bandhu (later a colleague of Sheikh Mohammad Abdullah) and Pt. Jia Lal Kilam advocate (later a judge of the State High Court.)

I made my debut in public life by joining a protest procession against the report in the third week of May 1932 as a youth leader and defying section 144. I was sentenced to four months rigorous imprisonment. Sardar Mohinder Singh who was dictator of the movement however got a sentence of six months and all other were sentenced to two months imprisonment.

I had then taken the intermediate examination of the College. The movement fizzled out and I was released after completing my full term, when I resumed my studies.

The next movement in which I participated actively was known as Go-Raksha (Cow protection) agitation. In 1936 a sinister attempt was made to dilute the provisions of Cow protection Act,

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which prescribed maximum punishment of ten years imprisonment for killing a cow or its progeny.

In one case, the state High Court ruled that as the act of cow slaughter was committed at night and secretly, the sentence be reduced to one year. The ruling offended the religious sentiments of the Hindus of the State. But the High Court Bench comprising Justice Abdul Kayum and Justice Wazir Jankinath rejected a revision petition against it. Thereupon, an organisation called "Hindu Sikh Naujawan Sabha" was formed in June 1936 with Sardar Dilar Singh as the President and myself as its General Secretary, to fight out the issue. The agitation spreaded like a wild fire throughout the Jammu region. People from every part of it offered satyagraha. Soon all jails and sub-jails of the Jammu region were full. All office bearers of the organisation were arrested and sent to far off jails. A general strike, first in the history of the State, continued for 36 days. The agitation was withdrawn on the interventions of Pt. Krishan Kant Malvia, a nephew of Pt. Madan Mohan Malvia and a member of the central assembly. Maharaja of the State who was in Europe at that time returned and issued a royal proclamation declaring that the controversial judgement of the High Court would not be treated as a ruling and the concerned law in its original form shall continue as such.

Jammu and Kashmir State has passed through many political upheavels and changes since then, but on account of this agitation, no State government has ever dared to challenge, amend or dilute this standing law on Cow slaughter.

I was elected President of all Jammu and Kashmir Rajya Hindu Sabha in the first Hindu conference called after the agitation for Cow protection.

In 1943, there was a spurt in food grain prices due to war time scarcities. Political parties organised protest meetings against this rise in prices. But the government response was negative. Thereupon, a big public meeting of all communities was organised which was addressed by leaders of all political parties of the State and followed by a big procession in Jammu city. Leaders of all parties including Muslim Conference Congress party, National

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Conference and Akali Dal choose me to lead the agitation in an organised manner. Inspite of the provocation by the local administration and growing anger of the people, we managed to keep the agitation peaceful.

However, in the same evening I along with a colleague Kaviraj Vishnu Gupta was arrested for organising this protest after I had resigned my membership of the State Advisory Board for holding price line of essential commodities which had been formed under the chairmanship of the Revenue Minister of the State Shri Hukam Singh Maheswari.

This further provoked the people and a police jeep and a truck were burnt down by the agitated mob. On the next day Government resorted to unprovoked indiscriminate firing when volunteers were going in procession to court arrest who were followed by a big procession of all communities. Seven people, five Hindus and two Muslims were killed in this firing besides causing injuries to many. Firing was so indiscriminate that people were fired at and killed even in nearby lanes. This raised a great furore not only in the entire State but also in the adjoining areas of Punjab. The Government was forced to institute a three Member Enquiry Commission headed by Justice Madgaonkar, a retired Chief Justice of the High Court, Justice Sen a retired Judge of High Court and also a sitting judge of the State High Court Justice Qazi Masul Hassan. Public demanded my release from Jail as I had been unanimously elected Chairman of the public defence Committee with Mr. Allah Rakha Sagar, the General Secretary of the State Muslim Conference, as its General Secretary. This Committee was formed to place before the Commission all facts and evidence in connection with the police firing. The State Govt. after great hesitation released us. Dr. Saifuddin Kitchloo, bar-at-law and a famous nationalist leader of Punjab was engaged to fight out the case. Of course prominent Members of the local bar Association including Ch. Ghulam Abbass, Advocate, President Muslim Conference and others assisted Dr. Kitchloo in presenting our case before the Commission.

After prolonged enquiry, the public stand was vindicated and the concerned Officers were found guilty of excesses and unprovoked firing. The District Magistrate and the Police Chief of

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the region were censured for providing poor leadership, the magistrate on duty was prematurely retired, Mr. Raghunath Kaul, A.S.P. and concerned police staff were dismissed from service and a relief of Rs. 5000/- was given to the families of each of those killed.

Soon after this I had to take part in another local agitation. There was a jagir consisting of about 50 villages in Jammu Tehsil where Rajput Jagirlars of Jindrah used to get their share of produce in kind from cultivators as revenue. This system was much abused as jagirlars would enter the houses of cultivators unannounced and search their houses demanding even half of the vegetables they were growing for their own use in a marla or two near their kitchen.

Peasantry was awfully poor and exploited. Indeed they were the poorest in Jammu district. I visited these villages several times and organised them in a Kisan Conference. Pt. Nek Ram, a local worker was always with me. In this Conference it was decided to ask the jagirlars and the administration to accept their share of revenue in the form of cash, as was being done in the rest of the State. It was also decided that they would no longer pay their revenue to jagirlars in kind.

Jagirlars refused to accept their share in cash. They insisted on getting half of the agricultural produce. Revenue authorities tried to help the jagirlars and threatened dire consequences if the peasantry refused to give the jagirlars their revenue in kind. All the fifty or so numberdars of the jagir completely non-cooperated with the revenue authorities. This struggle continued for two years during which the peasants did not pay any produce in kind and no revenue in cash was accepted from them; ultimately the case was decided in favour of the peasants. This was perhaps the first successful kisan movement of the State.

During this period I had to visit "CHENANI" a bigger jagir, in connection with my political work. This jagir was ruled by a hereditary Raja Ram Chand who enjoyed the powers of District Magistrate, Sessions Judge, Superintendent of Police, Chief Conservator of Forests and Chief Revenue Officer, all combined in one. He was a great tyrant and had forcibly taken possession of many good agricultural land holdings including cremation grounds. He allowed no political

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activity in jagir. He would implicate people in wrong cases whenever they tried to organise themselves.

On my return from Chenani I learnt that he had instituted false cases against people who received me and helped in organising a public meeting. This naturally upset me and my colleagues.

Therefore we decided to awaken and organise people in the jagir. Jyotshi Ram Krishan, editor "Desh Sevak" a local weekly who was also a great organiser toured through every village of the jagir. He had to negotiate high mountains during his extensive tours of the jagir. Not only he collected political data of Raja's misdeeds but also succeeded in inspiring certain local cadre for the future struggle. Th. Maiya Ram and Th. Jodhu Ram and Ch. Daya Ram, Abdul Rahim and mistri Mohd Shafi were most outstanding among them. Then I also toured through-out jagir and addressed public meetings at different places.

An intensive publicity campaign was also organised against the Raja and his misdeeds. Then a political Conference was held in Chenani town in which many political leaders from whole of Jammu region participated, processions were also organised and the movement acquired a great tempo.

The Raja tried to curb this movement by arresting and publically parading the arrested local leaders in bazars to over-awe the public but this further aroused popular anger against him.

Eventually the Raja yielded and invited me for talks. I, alongwith local leaders of Chenani and few press representatives from Jammu went to the meeting. We discussed for two days and he agreed to many of our demands. But soon he turned back and refused to honour the agreement.

The agitation was started again. We organised many demonstrations. Ultimately Jammu and Kashmir government sent its Revenue Commissioner, Wazir Feroz Chand, to find out and report the facts. We met him at Batote where he had arranged for revenue records of Chenani to be made available. Sh. Jagan Nath, Advocate of Udhampur was of immense help to us. The revenue records were found to be tampered with. Many pieces of land were shown to be in possession

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of Raja incorrectly. A piece of land which was a cremation ground according to original records was also shown as Raja's property.

The Revenue Commissioner reported back to the Maharaja of Jammu and Kashmir which ended the intransigence of the Raja. The Jagir was ultimately abolished after independence.

I contested for legislature Assembly in 1946 from Jammu city and was opposed by the establishment. I was elected inspite of the strong opposition by the then Government headed by Rai Bahadur Ram Chander Kak who was in favour of independent Kashmir under Maharaja.

In 1947, during State assembly session in Srinagar all Hindu members of the State assembly, elected as well as nominated, of Jammu region / province met at my instance to discuss political situation in the State. That meeting was also attended by Sh. Ram Lal Kapoor, M. A of Muzzafrabad in Kashmir province. He informed the Members that there were reports of smuggling of arms into muzzaffrabad area from across the border with Punjab. Thereupon a memorandum was sent to the Maharaja apprising him of the situation in the border district of Muzzafrabad and requesting for an interview with him. I got a message to meet Th. Nischint Chandel brother-in-law of the Maharaja and also Swami Sant Dev, a spiritual guru of the royal family who would allay our fears. They tried to assure us that the State administration and Maharaja himself were fully alive to the developing situation and were fully prepared to meet it. They also justified the Maharaja's efforts to keep the State independent of the two new dominions of India and Pakistan. I was then asked to write a letter to His Highness informing him that I was fully satisfied after meeting Swami Sant Dev and Th. Nischint Chandel which I flatly refused.

Maharaja never cared to grant an interview to us although it had been demanded jointly by all the Hindu legislators of Jammu province. He had completely shut himself off from all public men and was completely surrounded by short sighted and selfish people.

The Jammu and Kashmir Rajya Hindu Sabha was divided into two camps. The pre-maharaja group which included Sh. Shiv Nath Nanda, Kavi Raj Vishnu Gupta and others supported his ambitions of make Jammu and Kashmir State an independent state whereas I and my

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colleagues like Jyotshi Ram Krishan, Dhanpat Rai advocate and Raizala Amarchand and others demanded immediate accession of the State to the Indian Union as soon as the country became independent.

Despite resolute opposition of our group the working Committee of the Jammu and Kashmir Rajya Hindu Sabha passed a resolution in May 1947 reiterating its faith in the Maharaja and extended its support to whatever he was doing or might do on the issue of accession.

However we mobilised popular pressure against this stand and forced the pre-Maharaja dominant group to adopt a compromise resolution in a meeting presided over by Pandit Prem Nath Dogra leaving it to the Maharaja to decide the issue of accession to India at an appropriate time.

After the State's eventual accession to India communal parties became an anachronism. We therefore, decided to merge our group with the National Conference to strength secular base of the politics of the State.

However, differences soon grew between us and the National Conference leader and the State Prime Minister Sheikh Mohd Abdullah on a number of issues, including his policy towards Jammu and his insistence that I should have no links with national leaders.

I suspended my political activities after that but resumed them when Bakshi Ghulam Mohd invited me to rejoin the National Conference in 1957. Later I had the privilege of representing my state in the Lok Sabha from 1962 to 1967.

Recalling my political career of eventful years before independence, I might clarify that Jammu region's politics was almost neatly divided in those days on communal lines and the leadership of the Hindus of the region was, in a way thrust upon me. But, while the first movement-cow protection-was a religious one and not communal, the rest of the movement had a definite secular and socialistic content in them.

Moreover, I was instrumental in bringing politics out of the Darbar to the people and insisted during the crucial controversy on the accession issue that loyalty to India was more important than loyalty to the ruler.

Praja Sabha and its working
By Sailender

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On July 9, 1931, Maharaja Hari Singh invited "reasonable demands" from various communities residing in the State. Among the demands of various communities there was a common demand for a responsible government. A few days later, on July 13 a crowd which tried to enter the central jail in Srinagar was fired upon by the police in which 10 persons died. It further worsened the atmosphere of the State. The Maharaja was asked to explain to viceroy of India the genesis of the entire crisis. By this time Maharaja had sensed the intention of the Government of India. He also came to know that his Prime Minister, G.E.C. Wakefield were involved in a plot to undermine him. He got him dismissed.

Maharaj instituted a commission of enquiry under the Chairmanship of Sir Barjor Dalal, the Chief Justice of State High Court to enquire into the circumstances that led to the jail firing.

On November, 12, 1931 Maharaja announced the appointment of a Commission to go into grievances and complaints of the different communities in the State. On the same day Maharaja ordered for the institution of a Constitutional Reforms Conference to examine the feasibility of political reforms in the State, J. Glancy was appointed its Chairman.

The Constitutional Reforms Conference recommended the institution of Responsible Government having 60 members.

It was proposed that one member should represent Hundred thousand population. On this basis 33 were to be elected and 2/3 of elected members (i.e. 22) were to be nominated to the Assembly addition to this, the Maharaja was authorised to appoint 5 ministers as ex-officio members of the Assembly.

The constitutional Reforms Conference further recommended Franchise Committee for the purpose of examining the qualifications of voters. Then, Maharaja appointed the Franchise Committee on May 31, 1932.

Franchise Committee made some changes regarding the composition of the Assembly. It recommended a legislative Assembly of 75 members of which 33 were to be elected and 42 nominated (the latter included 30 nominated non-officials and 12 official members). The principle of nomination was to be applied to both Muslims and Non-Muslims depressed classes, labour interests and commercial groups.

The election to the Assembly was proposed to be held on communal line because joint electorate was thought to be a dangerous experiment. Out of 33 constituencies, 23 constituencies were assigned to the rural areas and 10 to the cities of Srinagar and Jammu. 15 seats of Assembly were allotted to the province Jammu (seven Muslims, seven Hindus and one Sikh). Similarly 15 seats of Assembly were allotted to Province Kashmir (11 Muslims 4 Hindus and 3 seats to Frontier areas (2 Muslims and 1 Buddhist)).

On April 19, 1934, the Maharaja announced that his intention was to provide for the association of his subjects in the matter of legislation and administration of the State and declared the date of the first election i.e. September 3, 1934.

The main contesting political parties were All Jammu and Kashmir Muslims Conference of led by Sm. Abdullah, the Azad Party Muslim Conference of M.ammad Yousuf Shah, the Yuvak Sabha of Kashmir Pandits, the Hindus Sabha of Jammu Province and some independent candidates. The polling was conducted on special scheme recommended by the Lothiars Committee for the British India. The Scheme underlined the 'colour Box' or the 'Symbol' system under which a voter was not required to mark on the vote-but were required to put their ballot paper in a coloured box allotted to a particular person or a party whom the voter wished to vote.

Muslim Constituencies:

Out of 21 Muslim seats, Muslim Conference won all the 9 seats, it contested. Other winners were as follows:

Zaildars	- Three seats
Pensioners	Two seats
Jagirdar	- one seat

and six seats were won by independent candidates (non-party men)

Non-Muslims were allotted 12 seats including 2 seats for the Sikh Community. 4 candidates including 2 Sikh were declared successful unopposed. Hindu Sabha won 5 seats out of 7 contested. The Sanathan Dharam Yuvak Sabha of Kashmir won all the 3 seats which it contested,

Normal life of the Praja Sabha was fixed at 3 years, therefore the next elections were scheduled to be held in 1938. This time Muslim Conference won 14 seats because the forms of one of the candidates had been rejected at the

time of scrutiny. More than 10 candidates were returned unopposed.

The last elections to the Praja Sabha were held on 4th January 1947. The 16 parties took part in the elections. The importance of this election was that the main party in the Sabha, i.e. National Conference, boycotted the elections because the eight nominations filed against Mian Ahmad Yar in Muzafferabad constituency were declared invalid. Bakshi Ghulam Mohammad announced the ~~xxx~~ division of his party to boycott the elections.

Powers of the Praja Sabha:

The Maharaja reserved to himself the power to appoint, remove and determine the tenure of the President of the Sabha. The Sabha had the power to choose its deputy president from among its members who could be removed from his office if Sabha passed a resolution by a majority of its members. The Maharaja reserved to himself the right to appoint under secretaries from among the members of the Sabha to be attached to different ministers.

In the matter of legislation the Assembly was provided with very limited powers. These powers were divided into four heads:

- 1) Legislative;
- 2) Interrogatory;
- 3) Deliberative and
- 4) Financial.

The Assembly was empowered to make laws for all person, places, things and courts within the State. Bills passed by Assembly and the council could become law only when His-Highness had given his assent.

His-Highness could declare any law null and void. He could change any part of the bill and could even stop the proceeding of any bill for the reason that the bill was likely to effect the safety and tranquillity of the State. If Assembly refused to pass a bill, the Maharaja could give his assent against the wishes of the Assembly by declaring that it was essential for good government.

The deliberative powers of the assembly extended to moving of resolutions, motions and adjournment and asking of questions. No discussion was permissible if it reflected upon His-Highness or matter under reserved subjects " or a judge

of High Court or any matter which was subjudice. In all other matters the members had the freedom of speech and expression and for this they could not be tried in any court of law for what they had spoken and voted in the Assembly.

As regards financial matters the council of Ministers was required to present before the Praja Sabha the annual financial statement of the revenues and expenditure. The "expenditure proposed to be met from the revenues of the State,"² was to be shown separately in the financial statement. The Sabha had the power to vote on the "expenditure proposed to be met from the revenues of the State", including the expenditure on the reserved subjects, contributions obligatory under any law, interest on loans and sinking funds charges etc.

Working of the Sabha and Reaction:

First reaction on the composition of the Sabha by the Act of 1934 was against its provision for a nominated majority. The Maharaja could alone nominate members to the Sabha to ensure that he had an active participation in the administration of the State. Moreover, there were certain reserved subjects where Sabha could not interfere. There was also a council of Ministers entrusted with the civil administration which was little more than an executive instrument of the Maharaja and functioned strictly under his instructions. Naturally, elected members resented against the working and composition of the Sabha.

The Muslim Conference had an elected majority in the Sabha that is why it resented much the curtailment of its powers. On March 29, 1936, the Muslim conference appealed to the Maharaja to widen the scope of constitutional provisions enacted in 1934 and decided to launch an agitation on May 8, 1936 in support of demand for a responsible legislative organ. Later on a sub committee comprising of Sheikh Mohd Abdullah, Choudhary Gulam Abbas, Mian Ahmad yar, Afzal Beg etc was formed to guide the movement. By a resolution the working committee gave call to the minorities to join the movement for political reforms and assured them that conference would safeguard their interest.

In June 1936, conference invited Sardar Budh Singh (elected from Frontier) Pt. Prem Nath Bazaz and Pt. Prem Nath Dogra to participate in the deliberations of the sub-committee

Congress Committee's had sprung up all over the province under the leadership of Lal Girdhari Lal Anand who had joined the Congress movement in 1921. Pt. Trilochan Dutt and Lal Mulk Raj Saraf supported the introduction of representatives and responsible political institution in the State. In one respect the Hindu and Sikh out flanked the Muslim Conference and established identification of approach with the movement on the National Front.

In October 1936 S. Budh Singh tendered his resignation from the membership of the Praja Sabha on Grazing Tax Bill. The members of the Muslim Conference supported the bill and they too resigned from the Sabha.

On August 5, 1938, the Muslim Conference leadership gave a call for demonstration in support of responsible government. S.M. Abdullah was a leading man to organise the agitation. He was warned by the Deputy Magistrate of Srinagar to desist from making speeches. On August 6, 1938 S.M. Abdullah, Bakshi Ghulam Mohd Ghulam Mohd Sadiq Maulana Mohd Saeed Masoodi, Sardar Budh Singh, Pt. Kashyap Bandhu, Pt. Prem Nath Bazaz, and Shyam Lal Saraf drafted a joint memorandum on responsible Government. By August 29, all the signatories as "National Demands" were arrested. The agitation continued for 25 days. S.M. Abdullah and Kashyap Bandh were jailed for 6 months. Mirza Afzal Beg, Ghulam Mohd Sadiq were expelled from the Praja Sabha for a period of 5 years.

Pt. Jawaharlal Nehru had invited prominent leaders of the Muslim Conference to attend the annual session of the Indian National Conference without changing the policies of conference.

When Muslim conference was being renamed as National Conference, Chowdhary Hamid Ullah alongwith 5 other elected members severed his connection from the party and opposed the leadership of S.M. Abdullah.

On June 23, 1942, Mian Ahmad Yar of National Conference and Nine other members tendered their resignation from the membership of the Assembly on the issue to amend the government orders regarding the use of the scripts, i.e. Devnagri and Persian for the official language. But leader of National Conference could not achieve anything for which they had resigned. In the meantime Mr. Gopalswami Iyenger helped the National Conference to regain its last position by re-nominating all the members who had resigned earlier. It took place in Middle of 1942.

Maharaja appointed a high power enquiry commission to review the working of existing constitution on July 14, 1943. Rai Bataden Ganga Nath was appointed its chairman. Commission invited all the political parties to send their representatives to participate in the working of the enquiry commission.

In October 1944 Maharaja announced that he would appoint two of its ministers from among the members of the Praja Sabha, Wazir Ganga Nath and Mirza Afzal Beg were nominated by the Sabha to these ranks. But on March 19, 1946 Afzal Beg tendered his resignation. Following the resignation of Beg the government offered this office to Mian Ahmad Yar. It was resented by the other leaders of the National Conference. The furious Conference members charged R.C. Kak of conspiracy to break up the conference and push Beg out of the government and break up the conference.

The last session of the Sabha took place at Jammu on March 31, 1947. Chowdhary Ghulam Abbas of the Muslim Conference played an important role of an opposition leader in this session. 66 members took part. On April 18, 1947 the Praja Sabha adjourned never to meet again.

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Centre State Relations-National Unity and Integration

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In India there has been a steady evolution in the direction of regional differentiation, and prophets of doom predict an eventual break-up of the Indian political order. One need not agree with such consels of despair to recognise that the last word has not yet been spoken about the clash on centrifugal and centripetal forces.

-Carl J. Friedrich

Introduction

The demand for a review of centre state relations have been gathering momentum as the subject of discussion right from the surface of the constitution of India. The problem buried here witness that if not tackled properly may prove a threat for the whole country's unity. The hydra headed monster in the form of religion, culture and linguistic aspirations is raising its ugly head and is ready to swallow the entire fabric of the country. If the centre state relations are to be understood in the interest of the nation these have to be looked into keeping in mind the prime objective of our constitution i.e. unity and integrity of the nation.

What is of much concern is the unrest and violence spread by terrorist activities in some parts of the country. It is abundantly clear that the fissiparous tendencies are at work, whatever may be the demand (not necessarily more powers for states, always) whatever may be the place and its problems. There is no dearth of evidences to show and to prove beyond doubt that there are forces within the country (being helped by forces from abroad) which pose a serious threat to the national unity and integrity, which is the very soul and breath of our nation. The explosive situation specially in Panjab and in some other bordering states cannot be brushed aside summarily, because what appears on the surface has been a the iceberg is only a fact from the coming into force underneath, which India, and even before. Recent years suicide caused much turmoil in various parts of India. The increasing pressures and counter pressures on centre by various states have brought to the forefront many controversial and complex problems governing centre state relations. The federal pattern of distribution of ^{powers} ~~formers~~ have been a subject of sometime subdued and sometime sharp controversy. But now it has assumed alarming proportions.

The idea of unity in diversity pervaded the whole national movement, when people from different regions with different languages, different mental make-up and culture fought shoulder to shoulder against the common enemy the British Imperialism. The fundamental basis of this unity in the midst of diversities was liberation from colonial slavery.¹ Today again we have to struggle, shedding our individual self interest, for a strong India. Jawahar Lal Nehru the architect of modern India has rightly said²:

'The diversity of India is tremendous; it is obvious; it lies on the surface and anybody can see it. It concerns itself with physical appearance as well as with certain mental habits and traits. There is little in common, to outward seeming, between the Pathan of the North-west and the Tamil in the far South. Their racial stocks are not the same, though there may be common strands running through them; they differ in race and features, food and clothings, and of course language. All of them have their distinctive features, all of them have still more the distinguishing mark of India. It is fascinating to find how the Bengalis, the Marathis, the Gujaratis, the Tamils, the Malayalis, the Sindhis, the Punjabis, the Pathans, the Kashmiris, the Rajputs and the great central block comprising the Hindustani speaking people, have retained their peculiar characteristics for hundreds of years, have still more or less the same virtues and failings of which old tradition or record tells us, and yet have been throughout these ages distinctively Indian, with the same national heritage and the same set of moral and mental qualities".

Character of Indian Constitution

The character of the Indian constitution is federal. The Indian federal system has a uniqueness of its own. Our constitution adheres to the federal principal. Though it may not strictly fall within the ambit of definition give by Prof. K.C.Wheare as "The method of dividing powers so that the general and regional governments are each within a sphere co-ordinate and independent"³. About Indian federalism, L.M.Singhvi⁴ has very pertinently remarks:

"Federalism has varied and numerous definitions which seldom coincide, though they have a broad concentric congruence. It is easy to pick out a definition to prove that the Indian union is not truly and really federal. The exercise, however, would be sterile. Indian federalism is sui generis, but the federal distribution and balance of power", the existence of states, their legislatures and governments, and the exercise by them of distinct competence in geographically defined areas within a constitutionally allotted field are basic and unmistakable federable facts of Indian polity. The dynamics of Indian federalism has its mainsprings in the essential cultural unity, widespread social diversity, constitutional equation, economic leverage and the judicial and political processes. Federalism in India is not a mere superstructural contrivance: facets of Indian federalism and its sources go deep down into the foundations of Indian life.

The character of the Indian constitution, so is federal, and the academicians are at liberty to give it this or that interpretation, which it is capable of,

and to make it either centrepetal, contrifugal, quasifederal, and cooperative or the like. In fact it is all so and may be something else as well. This is because of the peculiarities present in the Indian constitutional system, of which the most concrete example is unusual verriding powers of union government where the balance is tilted towards a strong centre in no time.

The basic truth is that the distribution of powers in theory and practice differ. These may change the nature of distribution of powers in various situations thus making the question of union state relations and national unity a hotbed of discussion and debate. This is in the light of national unity and integrity, the centre state relations are discussed in this paper.

Sarkaria Commission

The appointment of the Sarkaria Commission under-lines the importance even the ruling party at the centre gives to the issues of centre-state relations. There have been divergent views expressed on the need, for a fresh approach to the question of relations between the union and states, especially in the background of the working of our constitution for more than three decades. It is more or less now universally accepted that a strong centre as well as strong states would alone be conducive to the country's welfare. But the

problem arises because of the work of unanimity on the concept of a strong centre and strong states⁵.

Issues vital for National Integration

It was after much deliberations at length that the founding fathers of the constitution adopted a mechanism of distribution of powers between centre and states. The states were guaranteed certain amount of autonomy essential for a federal system of government. In the interest of nation the exercise of the power of checks and balances still remained with the centre. Such an arrangement was made in the constitution so that the centre and the states share the power under the constitution of India. Despite the fact that some members of the constituent assembly opposed the principle of a federalism. Shri Brijeshwar Prasad observed:

I am opposed to federalism because I fear that with the setting up of semi-sovereign part states, centrifugal tendencies will break up Indian unity. Provincial autonomy led to the vivisection of the country. Federalism will lead to the establishment of innumerable Pakistans in this sub-continent⁶.

It may be submitted that the leaders of National Movement, as a matter of principle, always advocated the concept of provincial autonomy and were against delegation of excessive power and authority

to the centre. The Indian National Congress apprehended that excessive powers in the hands of the centre might give rise to separatist trends leading, ultimately to disintegration of national unity. One of the main grounds of opposition by the Congress to the constitutional reforms introduced under the Government of India Act 1935 was that they had made a mockery of provincial autonomy⁷. Nehru also observed, "The introduction of Provincial Autonomy without any change in the central government which continued to be wholly irresponsible and authoritarian, was likely to lead to a growth of provincialism and diversity, and thus to a lessening of the sense of Indian unity"⁸.

Too much encroachment into the functioning of the states is found to cause interference in their autonomy, thus rendering the federal character of our constitution illusory⁹. The reorganisation of the states in India in 1956 was really a process of integration by giving various linguistic groups, representing in turn, cultural groups, more opportunity for promotion of their respective cultures. The culture of India is the sum total of the cultures of the different sections of its people. But it is far from the object of such recognition of different cultures that the people of this country should be divided on linguistic or any other basis. We have to remind ourselves that there is only one citizenship for the

Indian. But it is also necessary to assure that there is an all round regional developments and no area is neglected to cause regional imbalance¹⁰.

The features of centralisation are the sore ~~prints~~ ^{points} with many a states (specially non-congress Ruled States) and the matters range from parochial interest to national interest and thus are important in the context of thorough national integration and unity. Some of these features are:

1. There is highly unfair division of legislative powers, because the centre has exclusive control over the union list consisting of 97 items. It has also over-riding control over 47 subjects of the concurrent list. The states have their control over 66 items of the state list. In state list also centre can exercise control indirectly. The residuary powers are also with the centre.
2. The distribution of revenues between the centre and the states is such that the states have to depend on centre. Any fair minded and impartial observer can have no doubt that having regard to the growing responsibilities of the states, the distribution of taxes and revenues is very unfair to the states and far too favourable to the centre¹.

3. The dominance of the centre over the states is writ large in the constitution itself. The power and authority of the states is faulted in the very first chapter. Article 3 confers power on Parliament by ordinary law to alter the boundaries of any state, increase or diminish the area of any state, to change its name, to form a new state out of the territory of any or more states in short Parliament is empowered to destroy a state¹².
4. In the process of constitutional amendment, the power of initiating a bill of amendment in the constitution, lies with the centre alone and the states have limited role to play.
5. The union government has power to issue directions to the state government which they must comply with.
6. Article 356-Killer of State Autonomy: Article 356¹³ or Presidential Rule has proved great central killer of state autonomy. Misuse of the provisions of Art 356 which deal with situation of failure or breakdown of constitutional machinery in a state must not be countenanced. At the time of the framing of the constitution, the insertion of article 356 in the constitution was opposed by some members of the constituent assembly. Apprehensions were then expressed about the abuse of the powers conferred by this article. Experience tells us that the apprehensions

than voiced were not ill founded for on a number of occasions grave charges have been levelled that the power has been used for partisan ends and extraneous considerations¹⁴.

The power has been used on more than 70 occasions. In quite a number of instances serious allegations, not without substance, have been made about utilising the services of the Governors for the imposition of the presidents rule with a view to further the interests of the political party in power at the centre. In some cases¹⁵, the conduct of the governor has been manifestly improper and unfair¹⁶. In the light of cases listed in foot note(15) observations of the justice K.Iyer are very important. He observes:

"It has been said that democracy has a tendency to commit suicide. But under the Indian sun, there is a fatal proclivity for homicide of state autonomy by continued abuse of article 356. Article 356, read with Article 365 and in the background of Article 256 and 257, is the executioner of state level democracy. The most misused power-the great killer of federalism under the constitution is Article 356. Hardly any state has been spared and hardly any occasion free from extraneous political consideration. The Janata Government, for the reasons which I consider quite irrelevant (despite the supreme court having upheld the action) dissolved 9 Assemblies virtually because of allergy to the politics of its governance.

The successor at the centre shot down state governments likewise¹⁷. Governors have not only lent their services to keep opposition parties out of office but also to

help the congress party to resolve its internal feuds¹⁸.

The Record proves beyond a shadow of doubt that, in most cases, the Governors have used their offices to serve the interests of the ruling party at the centre. It is unlikely that they would have acted thus except at the instance of the leaders of the ruling party. The clear intent of the framers of the constitution and, indeed the letter and spirit of the constitution have been violated in all significant respects¹⁹. In the process, the federal ~~grievously~~ principal as well as the norms of democracy have suffered grievously. The states autonomy is violated, its people are denied right to be governed by its elected representatives, in accordance with the established conventions of the parliamentary system as was clearly envisaged by the founding Fathers of the constitution²⁰.

It may be pointed out that such violations create serious in roads in states autonomy which deeply hurt the sentiments of the people. Such practices, are not in national interest and not the least conducive to national unity and integrity. Truly speaking the growth of such practices in the body politic of our nation is cancerous which can prove fatal for national harmony and peace and at the same time may prove suicidal for the democratic institutions of the country. Such political

slants should be immediately checked for the healthy growth of political institutions in the country and for fostering the unity of the nation. Khanna J has rightly pointed out²¹:

"There is, in my view, much greater need to evolve healthy conventions in the light of constitutional changes the fact that in the past a single party has been in power at the centre and in most of the states has prevented the evolution of such conventions. Most of the issues arising between the centre and the states were settled and resolved at the party level rather than by reference to the provisions of the constitution. The result was that the provisions of the constitution were most often bypassed".

At the recent Bangalore Seminar, Dr. V.K.Rao specified 8 irritants that have soured Union State Relations²²:

1. Inadequate devolution of taxes levied and collected by the union Union Government, thereby reducing the finances available for State activities within their sphere of responsibility.
2. Dependence of the States on the Union Government for plan grants, loans and other adhoc grants and their general inadequacy from the point of view of the State's developmental responsibilities.

3. Dependence of the States on the Union Government for their share of the enormous financial resources that the Centre can control or influence outside its budgetary resources. These include not only the resources of the nationalised banking sector but also other financial institutions such as the I.D.B., the Unit Trust, Life and General Insurance Corporations and Provident Fund Contributions. They also include foreign aid, bilateral as well as international, and the some-what dubious but nevertheless massive resources accruing from deficit financing supported by the Reserve Bank.
4. Compulsory submission of State Five Year Plans, including the items within the sphere of their own responsibility, to the Planning Commission created by the Union Government and interference and control by the latter over the Plans of individual states.
5. State Dependence in vital matters affecting state developmental needs because of the unilateral control exercised by the Union Government on industrial, commercial and monetary policy, including industrial location, nuclear and thermal energy, and licensing of industrial and export units, import and export restrictions, incentives affecting economic activity carried on within the States and linked with their overall economic development, and credit limits and interest rates fixed by the Reserve Bank in consultation with or under the guidance of the Union Finance Ministry.

6. Inclusion in the Concurrent list of many items which properly belong to the sphere of state responsibilities and the over-riding position of legislation passed on these subjects by Parliament without taking into account the views of state legislatures and governments.
7. Interference by the Union Government with the formation and stability of State Governments by the power they exercise over their appointment or dismissal through the agency of State Governors, who are Central nominees and accountable only to the Centre for their actions.
8. Interference with the working of state government administration through administrative regulations or instructions given by the Union bureaucracy that is accountable for its actions only to the Union Government.

The scheme of distribution of legislative powers leaves the impression that the State Legislatures have been suppressed by a very strong centre and the area of activities of states have been further truncated by reason of serious inroads upon the legislative jurisdiction of the states.

A study of the Union-state administrative relations indicate that the Centre has acted effectively. The role of Centre has been found to be dominating, especially by non-congress governed states. The most glaring example is the use of C.R.P. in Sept. 1968 to deal with the strike in Kerala. Settling of inter-state water disputes and

boundary disputes ⁱⁿ ~~are~~ ^{areas} very sensitive/and matters of emotional concern for the states where claims and counter claims may mark the relation of two or more states. The most recent example of which is the territorial and water disputes between Haryana and Punjab. In such matters the centre should act with due fairness and satisfy the States in the larger interest of the nations integration.

As far as financial relations are concerned. In fact the non-congress governed states in all its conclaves and memos have emphasised for more fiscal powers. This is a demand which is very genuine and the states should not be treated as dole getting corporations, rather a due share should be allotted to all states irrespective of political considerations, so that these states can implement their social welfare programmes successfully. The Centre should not show any sign of bias or unfairness in financial matters. The emphasis should be towards a greater inter-state financial help, and the states as B. K. Wanath Das commenting on financial emergency provisions point out, that the states might not be treated as the "Charity boys of the North Block of the Secretariat"²³.

The concern of the states for greater financial autonomy can be appreciated if we refer to the texts of the following memos and resolutions etc. on Centre states relations, namely:

1. Centre-state financial relations-Memorandum submitted to the National Development Council by the United Government of Kerala in 1967.
2. Memo submitted to the Seventh Finance Commission, 1978 at Bhopal in 30th May, 1978.
3. West Bengal Government Document (on Centre-State relations) Dec. 1977.
4. Anandpur Sahib Resolution.
5. Statement of the CPI(Marxist) issued at Srinagar Conclave.
6. Proposals of All India Forward Block submitted before the Srinagar Conclave.
7. Srinagar Declaration.
8. All Assam students Union Memorandum.

Even the questionnaire circulated by Sarkaria Commission on Centre-state relations have attached much importance to the financial aspect.

It is one thing to ask for more legislative, administrative and financial powers from the Centre and it is another to put forth resolutions which are detrimental to nations interest as which aim at destroying the very unity of the nation. Religious politics of some people is paving the way for carnage in Panjab. One of the demands in the Anandpur Sahib resolution which throw enough light

on the extent of provincial autonomy reads²⁴:

In this new Panjab the authority of Centre should be confined only to the defence of the country, foreign relations, communications, railway and currency. All the residuary subjects (Departments) should be under the jurisdiction of Panjab which should have the right to frame its own constitution for these subjects.

In fact the resolution smack of seperatist tendencies. The movements like 'Khalistan' though find little support by the government and the people is the outcry of some elements who are not concerned with the nations integrity, who act as the behest of foreign countries and about to destroy unity. In situations like this it becomes imperative for the government at the Centre to curbe such tendencies with all might and in such circumstances there is absolutely no harm if the Centre acts strong, because history bears testimony to this fact that the seeds of disunity, insecurity and hatred followed by communal frenzy, force the need for at strong centre and in such eventualities it becomes inevitable. "Evidently in such situations like the one created in Panjab and some other boardering states" the paramount need of the present and future is a strong centre, capable of ensuring peace, coordinating vital matters of common concern and of speaking effectively for the whole country

The issue is sometimes posed as 'Strong centre vs strong states'. It is wrong to present the question in this way. The idea of 'strong states' has no conflict with the idea of 'strong centre'. A strong centre is indispensable for the development of states; similarly, strong states do not undermine the foundation of the strong centre; rather they are indispensable for the building up of a strong centre. What the country needs today is the balanced development of the centre and states. How this task can be fulfilled? It can be fulfilled through a correct application of the idea of 'Unity in diversity'. For that, the old spirit has to be revived. All the parties, particularly the ruling party, while formulating policies and programmes of action for the scope of the whole country, have to take into consideration; the urge and aspirations of the people of different regions with different languages and different economic, political, social and culture development. This and this alone is the only guarantee for creating harmonious development of different regions under a centre²⁸.

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P. 70

Conclusions

National unity is basically dependent on mutual understanding between people of various states of this country. The task can be achieved only by proper attributes and approaches conducive to national unity, by concerted efforts of the centre and the states. The feeling of nationalism, loyalty and dedication to our nation will ultimately work out how effective our feeling of oneness and cohesion will be. The government on the other hand should never yield to regional pressure, specially when they take the form of violence and intimidation. The central government must not allow the law and order situation to deteriorate in a state to such an extent that it breeds a sense of insecurity everywhere. The anti-socials are determined to subvert the social order and to discredit the democratic system. These elements are agents of foreign powers hostile to the country. Patriotism for them is a bourgeois virtue, nationalism, an outworn dogma. National integration depends on eliminating parochial loyalties, establishing social justice.

Within the country itself, an organised attempt is being made to distabilise and disintegrate, this country of ours. The secessionist forces are active in various parts of the country, particularly in the most

sensitive areas of our borders, Punjab and Kashmir on the one hand and north-eastern regions on the other. Communal, parochial, regional and fundamentalist forces are active in other parts of the country to disorientate the minds of the people and, thus, disrupt the new growing consciousness of Indian nationhood. The forces are being nurtured and propped up as assiduously by imperialism as by internal vested interests. Religion is being unashamedly distorted and exploited to subvert the integrity of the country. Huge funds are being funnelled both overtly and covertly to buttressing up the unholy planes. Never before, since independence, has our country faced concerted attack of external threats and internal subversion of such a proportion as it is faced with today. This is the hard reality which are nationalist and forces should realise today.

Are the secessionist demands of certain people followed by mass scale loot, murder and carnage not enough examples that what we are really faced with, is, a revolution of rising expectations of some vested interests, detrimental to national unity. So a strong centre is necessary. The idea is to have a strong centre as well as strong states because a slanging competition will not help either the states or centre, what will help is the

joint concerted effort, an atmosphere of mutual goodwill and trust. We should not forget our solemn pledge to work for a stronger and secular India which is the corner stone of our constitution. At the same time all efforts should be made by the centre and the states to allay the fears in the minds of certain minorities by constant and sincere endeavours so that the discontent is not allowed to keep on simmering for long in the longer interest of the nation.

To conclude it may be emphasised:

"That the recent political developments must serve as an eye opener to the leaders and statesman of this nation who are at the helm of affairs and who guide the destiny of the nation. In fact it is they who first should rise above narrow gains and think in terms of unity and integrity of the nation. Despite repeated exhortations for national integration, divisive forces in various parts of the country have threatened the integrity and unity of the nation. It is this, more than anything else, that should compel a fresh look into the relations of the centre and the states²⁹".

It is basically the political parties who have the responsibility in shaping centre state relations and promoting national integration. After independence we have seen that certain parties have been engaged in such activities which are detrimental to national unity. Constitutional premise alone cannot achieve national integration nor alone as judicial concern can. Without the society being organised on the basis of sound economic principles it

is impossible to have national integration. I finally *it may*
be pointed out that ~~goal~~ a common endeavour by all can
help achieve national unity and integrity³⁰.

R. Singh

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P. T. O.

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5. Poti, P.S.; Centre State Relations and National Integration, Popular Jurist' vol 3 No.1
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6. CAD, Vol VII, 1948, pp 37
7. Also see Supra f.n. I p.8
8. Supra f.n. 2.
9. Supra f.n. 5 pp 28-29.
10. Ibid.
11. For details Refer theme paper on 'Centre-State Relations' presented by Nani A. Palkhivala at the Bangalore Seminar Aug, 1983.
Source "Popul^{ar} Jurist " Vol I No.1 Jan-Feb 84 p.11.
12. Nariman, F.S; Five Test Matches Centre Vs States.
"Popular Jurist %Mar/April 1984 p.7.
Formation of new states and alteration of areas, boundaries or names of existing states-Parliament may by law-
a) form a new State by separation of territory from any state or by ~~uniting~~ uniting two or more states of parts of states or by uniting any territory to a part of any state:

- b) Increase the area of any State;
- c) diminish the area of any State;
- d) alter the boundaries of any state;
- e) alter the name of any state;

(Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States * * * *, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired")

(Explanation I-In this article, in clauses (a) to (c), 'State' includes a Union territory, but in the proviso, 'State' does not include a Union territory.

Explanation II-The power conferred on Parliament by clause (a) includes the power to form a new State or Union territory by uniting a part of any State or Union territory to any other State or Union territory).

13. Provisions in case of failure of constitutional

Machinery in states:

- 1) If the President on receipt of report from the Governor * * * of a State or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this constitution, the President may by Proclamation-
 - a) assume to himself all or any of the functions of the government of the State and all or any of the powers vested in or exercisable by the Governor or any body or authority in the State other than the Legislature of the State;
 - b) declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament.
 - c) make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Constitution relating to any body or authority in the State.

Provided that nothing in this clause shall authorise the President to assume to himself any of the powers vested in exercisable by a High Court, or to suspend in whole or in part the operation of any provision of this Constitution relating to High Courts.

14. Khanna, H.R.; "Centre-State Relation". Popular Jurist

Jan/Feb 1986 p.39.

15. Some examples of use and misuse of Art 356 in case of failure of constitutional machinery are:
 East Panjab(1951); Pepsu(1953); Andhra(1959; Cochin (1956); Kerala(1959), 61, 64, 65); Pb(1966), Goa(1966), Rajasthan(1967); Manipur(1967); Haryana(1967); West Bengal(1968), U.P.(1968), Bihar(1969); Pondichery (1968); Bihar(1969); Orissa(1971); Gujrat(1971); Mysore(1971); etc. Recent examples of A.P., Kerala etc. are also too glaring. For reference see JCDS pp 82-116, J.R. Swach--Office of Governor 1977.
 M.S. Dahiya--Office of Governor, 1979.

How Governor's have helped the Congress Party to resolve its internal feuds.
 Governors have not only lent their services to keep opposition parties out of office but also to help the Congress party to resolve its internal feuds.
 A distinct category of cases of imposition of President's rule to help a faction-ridden Congress Party in a State to tide over a leadership crisis although the Party's majority was intact.

It was a palpable abuse of an emergency provision of the Constitution for purely party ends.

These cases are well known and are recognised as a distinct category in standard works by Scholars:

Panjab	in 1951 and 1966
Uttar Pradesh	in 1973 and 1975
Andhra Pradesh	in 1973
Gujarat	in 1974
Orissa	in 1976

To elaborate on two of these cases, Shri H.N. Bahuguna resigned as Chief Minister of Uttar Pradesh on November 29, 1975.

F E A T U R E

BUDH SINGH: FOUNDER OF FREEDOM MOVEMENT IN J&K

By Balraj Puri

Mahatma Budh Singh was not only the senior-most leader of the freedom movement in the State but also the founder. He had raised his voice of protest against the system long before any organised political activity started in the State.

While Sheikh Abdullah became part of the national freedom movement- after conversation of the Muslim Conference to the National C-onference- in 1939, Budh Singh had made his debut as a nationalist leader way back in 1925 when he left the prestigious post of Deputy Commissioner to plunge into the freedom movement. The Sheikh, who started his political career six years later, not only acknowledged the pioneering role of Budh Singh but also used to call him his spiritual father.

In fact Budh Singh had come to public limelight much earlier in 1915 when still in government service, he became the first known person in Jammu and Kashmir state to respond to the Swadeshi call of Mahatma Gandhi. He also started wearing black turban to identify himself with the Akali Dal which had launched an anti-British agitation as an ally of the Congress.

Budh Singh was born in May 1888 at Mirpur, a district headquarter in Jammu region, now occupied by Pakistan. His father Anant Ram was an advocate and a staunch Arya Samajist. But his mother was a Sikh and he was married at 16 to a Sikh girl Maya Devi. It was mainly due to the influence of the two ladies that he embraced Sikhism.

In 1906, he joined Government service as a camp clerk to the Settlement Commissioner, an Englishman named Talbot, whose simple life greatly influenced the impressionable youngman. He rose to the position of a Deputy Commissioner.

The young officer was of a non-conformist and defiant type. At a time when no dissent was audible in public life, not to speak of the bureaucracy, he had the courage to defy the prevailing practices

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of exploitation and authoritarianism. There are instances of his refusal to implement the begar system, under which Government work was got done without payment of wages.

Once when he was posted at Kishtwar, he received orders to get the bridal path repaired through 'begar' for the journey of the heir apparent Hari Singh. He wrote back asking for funds for the purpose and incurred the wrath of his superiors for making such an unexpected demand. He had, however, to sanction the grant in order to get the path repaired in time for the royal visit. Again, when Hari Singh wanted some horses to be shown to him out of which he could buy one, Budh Singh presented him a bill for three days wages for all those who had brought their horses for showing him from long distances.

Budh Singh gave more vocal expression to his reaction over the practice of begar when he was moved by a sight of labourers being tortured to do work without payment, on his way from Jammu to Srinagar. He organised a public meeting in Srinagar in 1922 to protest against the inhuman practice. Being almost the first public expression of the grievances of the oppressed Kashmiris, it caused quite a few tremors in the official and non-official circles of the State. However, on account of his reputation of integrity and saintliness and also his popularity with the people, Maharaja Pratap Singh, the then ruler of the State, took a generous view of his unusual actions. But the British officers took serious note of his activities and pressed for strong action against him. In 1925, he forestalled any such action by submitting his resignation from the post of Deputy Commissioner. However, out of special consideration for him, the Maharaja sanctioned him a monthly pension of Rs. 77.

Budh Singh became a wandering faqir, moving from village to village on foot and arousing the consciousness of the people for freedom and justice. He was not merely a political leader. He was hailed as a Mahatma and was called a Tyagmurti, a symbol of renunciation. He was the only person in the State whose appeal cut across all castes and communities.

He simultaneously earned the goodwill of not only his own community but also of people of both Jammu and Kashmir regions. It is an

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achievement which has hardly been matched by any other leader since them.

Sikhs of the country honoured him by selecting him as one of the Panj Piaras (the holy five) to lay the foundation stone of the renovated temple of Punja Sahib. The Dogras of Jammu honoured him by thrice electing him (beginning in 1930) to the presidentship of the Dogra Sabha, the representative organisation of Dogras. And finally Kashmiris gave him the unique honour by electing him the President of their premier political party National Conference; first in 1942 and second in 1944. The only other person who occupied this august office was no other than Sheikh Abdullah.

During his three-year presidentship of the Dogra Sabha, Budh Singh politicised it and declared it to be the Congress of the State. After the Maharaja banned the party, he founded the Kisan party in 1934. The same year, he was elected to the first State assembly called the Praja Sabha, from the Mirpur-Poonch constituency.

Budh Singh, along with a number of other progressive Hindus got in touch with Muslim leaders of Kashmir headed by Sheikh Abdullah to persuade them to form a common political party of all communities. He made no mean contribution to the conversion of the Muslim Conference into the National Conference in 1939 and radicalising the latter.

He presided over the famous Sopore session of the Conference in 1944 which adopted the radical socio-economic manifesto of the party called New Kashmir.

Budh Singh was imprisoned for varying terms for three times. His last imprisonment was in May 1946 for participating in the " Quit Kashmir " movement. Though his earlier statements, memoranda and presidential addresses of the party he headed were radical enough, he declared during his what was called the treason trial in 1946 that the time had passed for tinkering with the system through reforms. Freedom and revolution were his new goals.

After independence, Budh Singh joined the first popular government in the State headed by Sheikh Abdullah. But his austere and exacting standards of public life were out of tune with the new culture of power. In less than two years, his portfolios were changed thrice,

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from Relief and Rehabilitation to Health and then Information and Broadcasting. Eventually he resigned from the Cabinet in October 1950.

Politically also he felt somewhat maladjusted. He was elected the first president of the newly created provincial committee of the Jammu National Conference. But he records in his autobiography that it hurt him when Sheikh Abdullah accused him of regional bias in his new role. He was got rid of this role as also removed from the centre of the State politics when he was sent to the Rajya Sabha in 1952.

In 1953, he came in a frontal clash with Sheikh Abdullah on the latter's equivocation on the issue of the State's accession to India. While some other colleagues of the Kashmiri leaders played a sort of double role, Budh Singh was outspoken in his criticism. Later as a member of the Rajya Sabha, he defended the action against Sheikh Abdullah, including his removal from power and arrest.

In his later years, Budh Singh moved closer to the Communists. But his Communist colleagues left the National Conference in 1958 to form the Democratic National Conference which later became the State unit of the CPI(ML). He was thus isolated from the Communist movement also.

The new leadership of the State government which replaced Sheikh Abdullah had far less need for too honest, too austere and too truthful a person like Budh Singh. When he returned from New Delhi to Jammu in 1964 after completing his second term in the Rajya Sabha, he had become the loneliest person in the politics of the State. He retired to his hut at Khanpur village near Jammu. Firman Ali, a Gujar boy, who served him till his end, was his only constant company.

Towards the closing years of his life, he moved to Jammu where he continued to lead the life of a hermit, cut off from the social and political life of the State till he breathed his last at the ripe age of 91, on May 14, 1975, with many of his dreams still unfilled.

INFA

HUMAN RIGHTS PROTECTION IN INDIA : CHALLENGES AND ISSUES

Professor CHANDRA PAL*

1. Introduction

Protection of human rights is a global as well as national concern.¹ India fully recognized this in 1979 when it became a party to the International Covenant on Civil and Political Rights. In doing so, India undertook legal obligations to the international community to observe and protect human rights. Not only did India make a Unilateral Declaration against Torture saying that it would comply with the UN Declaration against Torture, it even initiated the 1977 resolution of the UN General Assembly that introduced the Declaration.

India is an open country with a strong press and an independent and strong judiciary which has delivered some highly creative judgements² to protect fundamental rights. Government of India has also appointed National Human Rights Commission. Yet even these and other Indian institutions with substantive powers to safeguard the fundamental rights of the citizens have failed to provide effective protection to the hundreds of Indian citizens who have died after torture and ill-treatment.³ The victims have been ordinary men and women, even children, some of them picked up on the flimsiest of criminal charges, and have come from nearly every state during the past decade.

2. Sources of Human Rights

The human rights in India flow from two main sources :

- (a) Part - III of the Indian Constitution wherein certain fundamental rights have been guaranteed⁴ to the

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The Universal Declaration of Human Rights starts with a preamble and proclaims human rights as a common standard of achievement of all people and all nations. There are 30 articles in the Universal Declaration of Human Rights.

There is a strong resemblance between the rights guaranteed under the Indian Constitution and the Declaration of Human Rights. The importance of the Universal Declaration of Human Rights has been emphasised by the Supreme Court of India in various recent judgements.⁶ Thus, the pre-requisites for the enjoyment of human rights can be secured only by promotion of universal respect for human rights, organised public opinion and sustained work by States and citizens alike.

3. Need to Improve Police and People Relations

As the police investigates most of the pre-trial events, thus it is necessary to take a look at the Indian Police system. The British gave India the Police Act, 1861, the Criminal Procedure Code, 1861 and the Indian Evidence Act, 1872. These three acts gave India the present Police System. To reform the Police System when Curzon appointed the Police Commission, 1920. The Commission studied the working of police stations and said :

There can be said no doubt that the police force throughout the country is in a most unsatisfactory condition, that abuses are common everywhere, that this involves great injury to the people and discredit to the government and that radical reforms are necessary.⁷

It is, therefore, necessary to emphasize that no improvement in Police work can be expected so long as the relations between the police and the people are as bad as they are today. There can be little doubt that the attitude of

most of the police towards the people, particularly towards those who are poor and deprived, is arrogant, naughty and high-handed. The result is that the police gets no public cooperation in its work of investigating into offences, so that virtually the only method left with it is to apprehend suspected persons and to interrogate them by using third-degree methods. Improvement in the situation can be brought about only if the higher police officers and state governments take the initiative to improve the attitude of police towards the people. Positive attempts must be made that the police earns the respect and confidence, and eventually the friendship, of the people among whom it works.

It is for the higher officers of the police and the State Governments to chalk out the ways and means by which a sense of cordiality may be developed between the people (including the poorer sections of society) and the police. One way is to let the police ranks know that those of them who earn the respect and confidence of the people are likely to be promoted and those who incur public hostility are likely to miss promotional chances. Secondly, one police officer in each district is appointed to act as an ombudsman who can be approached by any person having a grievance against the police and who would promptly deal with the complaint. So, it is necessary that the names and the locations of the ombudsmen should be widely advertised so that they can be easily approached by aggrieved persons. A third remedy is to see that policemen who commit custodial offences of any kind are adequately punished and the punishment awarded to them is given the maximum publicity. A wrong impression prevails

amongst the upper hierarchy of the police as well as the armed forces that the morale of the ranks would be adversely affected if erring personnel are adequately punished and the punishments are given wide publicity. If the maintenance of cordial relations with the public is understood as a requirement of success of the police force in the discharge of its main functions of curbing the offenders, it should be easy to realise that any means which thus increases the efficiency of the police force would increase rather than decrease the morale of the ranks. It is obvious that publicity given to the punishment awarded to erring policemen would increase the confidence of the public in the fairness and the efficiency of the police forces.

4. Existing Law on Arrest and Need for Reform

Section 50 of the Criminal procedure code requires that every person arrested without a warrant shall be given full particulars about the offence for which he is arrested or other grounds for such arrest. When a person is arrested in execution of a warrant, section 75 of the Criminal Procedure Code requires that the arrested person shall be notified the substance of the warrant and, if so required, the warrant shall be shown to him. As suggested in the excellent working paper on custodial crimes prepared by the Law Commission, whenever a person is arrested it should be imperative for the police officer to obtain the name of any relation or friend to whom information about the arrest may be communicated. It is suggested that it should also be incumbent to inform the relation or friend all the particulars of the alleged offence if a person is arrested without a

warrant and to give or send a copy thereof to the arrested person. Further, the relation or friend should invariably be informed of the police station where the person is being taken by the person arresting him. It is a fact that very often the police officers arresting a person with or without a warrant do not follow the procedure laid down under sections 50 and 75 of the Criminal Procedure Code. It is necessary that failure of the police to observe the requirements prescribed by law while arresting a person should be made a punishable offence.

It is common experience that the police often arrest a person by visiting him in the dead of the night. The arrest is usually made without a warrant and the residence of the arrested person is also searched without legal authority. The object of the midnight call is to strike terror in the victim and his family members. No independent witnesses are, moreover, available to witness the illegalities committed by the police on such occasions. The law should prevent such midnight arrests in the absence of very exceptional circumstances which should be clearly defined. Transgression of this law by the police should also be a punishable offence.

The Supreme Court has held, as observed in the working paper of the Law Commission, that an arrested person should be entitled to have his counsel present during interrogation, so as to minimise the use of third degree methods. Moreover, it is necessary that at the time of arrest itself an opportunity should be available to the accused to contact his counsel, through telephone or otherwise, so that a prompt action may in proper cases be taken for a writ

of habeas corpus. These provisions are required to be incorporated in the relevant sections of the Criminal Procedure Code. Breach of these provision should be a specific offence.

The prescribed rules require that as soon as a person is arrested, an entry with regard to the arrest and time of the arrest should be made in the relevant record. It is common experience that very often such entries are not made for days or even weeks after the arrest, and when the entries are made they are totally false. It is essential that the failure to make the necessary entry and the making of false entries should be made serious offences which, if established, should result in adequate punishment.

One of the most abused provisions of the Criminal Procedure Code is section 151 which enables every police officer "knowing of a design to commit any cognizable offence" to arrest any person without orders from the magistrate and without a warrant. Many innocent persons have been arrested under this section either for ulterior motives or under political pressure. Sub-section 2 of section 151 requires that a person so arrested is not to be detained for more than 24 hours unless his further detention is authorised under some provision of the Code. What is usually done in order to formally comply with this section is to take advantage of sections 107 to 116 of Criminal Procedure Code which relate to the taking of security for keeping peace. Under these provisions, powers have been given to executive magistrates (who usually comply with what the police wants) to enquire whether the arrested person is likely to commit any breach of peace or to disturb public tranquility, whether

he possesses or distributes seditious matter, whether he has been taking precautions to conceal his presence, and so forth. The enquiry may last six months and the person may be kept under arrest during the period of enquiry.

Two things are necessary to prevent the misuse of these provisions. Firstly, the powers under section 107 and subsequent sections in that chapter of the Criminal Procedure Code should be taken away from executive magistrates and conferred on judicial magistrates. Secondly, whenever the arrest by the police of any person under section 151 or the action taken against him under section 107 to 116 is found to be unfounded and unjustified, the law should provide that the policemen concerned will be liable to be prosecuted for unlawful confinement and will be adequately punished.

It is found that first information reports are not taken down at the police station when the officer-in-charge finds that the alleged offence is committed by a policeman or by any person who is a police favourite. Not recording of a first information report without adequate reasons should be regarded as a serious breach of duty for which the concerned officer should be liable to penal action.

5. Human Rights Violations in Police Custody

Most of the torture of undertrial prisoners take place during the course of investigation. Law should make it mandatory that before interrogation of an arrested person he must be informed by the interrogator that he has a right to have his counsel present at the time of every interrogation.

The accused should also be entitled to contact his relations or friends to approach a counsel to secure his presence at the interrogation.

The Supreme Court has laid down that one of the consequences of Article 21 of the Constitution is that no detained person can be subjected to restrictions or indignities which are not necessary for the purpose of continuing him in detention. For this reason the Supreme Court has condemned more than once the unnecessary hand-cuffing of prisoners or taking them through public streets. In spite of these rulings of the Supreme Court, some prisoners are still hand-cuffed or even paraded in public streets in order to humiliate them. This should be made a serious offence for which the concerned policeman should be adequately punished.

There are Acts like the TADA which extend to the whole country and which make it very difficult for an arrested person, even if he is innocent, to secure his release on bail. Moreover, a person arrested under TADA may remain in jail for a whole year even if there is no evidence against him and no challan is filed in his case in the designated court. Such oppressive laws serve no useful purpose. They cause grave injustice and by increasing the dissatisfaction of the people they defeat the purpose for which they are enacted. Such laws deserve to be abrogated.

The conditions in which undertrial prisoners as well as convicts are detained in various Indian jails should be improved.

Over 30 men and boys were deliberately blinded by the police with thick needles and acid between October 1979 and November 1980 in Bihar. Between 1988 and 24 October 1991 about 106 persons had died in New Delhi's Tihar Jail alone.

Numerous cases of torture have been reported in the Indian news media but these represent only a fraction of the real total. Torture frequently goes un-reported unless there is an investigation by an independent human rights or civil liberties body⁸, some form of public protest, or a political dimension.

6. Trial of Human Rights Violations

Offences committed while arresting persons and keeping them in custody, some of which have been mentioned above, would be tried in usual course by magistrates, sessions court and the higher judiciary. Even violation of human rights which would be investigated by the human rights commission will result in criminal trials in the ordinary way.

Whenever any accused person who is under arrest is brought before a magistrate, either for remand under section 167 of the Criminal Procedure Code or for any other purpose, it should be the prescribed duty of the magistrate to enquire whether he was ill-treated while in custody and his statement should be recorded by the magistrate. If the alleged ill treatment is found to have caused injuries to the accused, it should be the duty of the magistrate to arrange for his medical examination and to record the result thereof. The practice which is followed in many cases of securing an order of

remand under section 167 of the Criminal Procedure Code without physically producing the person before the magistrate should be specifically prohibited by law.

In the course of trial of custodial offences, when it is found that an injury was or injuries were caused to a person while in police custody (whether the injuries resulted in custodial death or not), a presumption should arise that the injury or injuries were caused by the police officer who had the custody of that person during the relevant period. This proposal has already been made by the Law Commission but is not yet implemented. It should be implemented forthwith by adding section 114C in the Evidence Act.

In the working paper of the Law Commission on custodial crimes it has been suggested that section 197 of Criminal Procedure Code, which requires sanction of the State for the prosecution of certain police officers, should be qualified by a proviso in the following terms :

"Nothing contained in this section shall apply in case of custodial offence where a court on an enquiry is prima facie of the opinion that the accused public servant committed an offence of penal nature within his custody."

It is submitted that this proviso requires to be widened by including all offences committed during the arrest of the person and should not be confined to offences committed after the arrest and when the person was in custody. Moreover, the expression "offences of penal nature" in the proposed proviso should be substituted by the words "offences of penal nature or involving violation of Article 21 of the Constitution". This will make it unnecessary to have state

saration in cases where arrested persons are subjected without adequate justification to indignities such as handcuffing and parading in public streets.

Every person in custody should be entitled to apply to a magistrate for being medically examined. The medical examination may become necessary on account of ill-treatment or as a result of a natural ailment. In either case the magistrate should have the right after making an enquiry to decide whether the person in custody should be medically examined and if so by whom.

The working paper of the Law Commission has dealt with the question of compensation which may be granted at the conclusion of criminal trial in cases where the human rights of an arrested person are violated or where custodial death has taken place. It is submitted that the compensation should be fixed by the criminal court and should not normally be left to be decided by the civil court. In a complicated case, however, the criminal court should have the jurisdiction after fixing interim compensation, to order that the victim may approach a civil court for the award of full compensation. Out of two theories mentioned in the working paper of the Law Commission for the fixation of compensation, namely the interest theory and the multiplier theory, the latter (the multiplier theory) is preferable. This is because the multiplier theory enables adequate compensation to be given for mental anguish caused by death or physical injury and disability. The court, however, should be free to adopt the interest theory when the compensation to be awarded would result in greater benefit to the victim or his heirs as the case may be.

No executive magistrate should have the power of discharging any judicial function, particularly where a question relating to human rights is likely to arise. As already observed, they should not be empowered to discharge any duties under section 107 and subsequent sections of the Criminal Procedure Code relating to the security for keeping peace and good behaviour. They should also not have the power to decide matters relating to the custody of undertrial prisoners under section 107 of the Criminal Procedure Code, as certain laws allow. Generally, matters involving human rights should be decided only by judicial authorities.

In respect of custodial deaths, section 176 of the Criminal Procedure Code, even after its recent amendment, is of little use in finding out whether a death in custody was due to natural causes or due to police misbehaviour. The reason for the inefficiency of section 176 is that the enquiry under that section is not preceded by an investigation through an agency independent of the police establishment. Even an efficient judicial officer would find it difficult to reach a satisfactory conclusion in regard to the cause of a custodial death if the necessary evidence is not led before him after a proper and impartial investigation. This is why all deaths and violations of human rights alleged to have been committed by government agencies (including police forces) should be investigated and dealt with by the human rights commissions which are now provided for by the Protection of Human Rights Act 1993.

The main defect in the Act is that the Commissions would not be allowed to set up their own independent

investigation machinery, although they would be given power to appoint administrative, technical and scientific staff. The commissions will have to carry out their investigative work through the police supplied by the government. It is common knowledge that the police are reluctant to carry out proper investigation into the excesses committed by their own colleagues. The Commissions would fail in protecting human rights if they are not enabled to appoint and develop investigative machineries of their own.

The Act gives the option to the state governments to appoint or not to appoint human rights commissions.⁹ Appointment of State commissions should be made compulsory. The National Human Rights Commission is doing commendable job¹⁰ for protecting human rights of the citizens. The Commission publishes a monthly 'Human Rights-News Letter' about its activities.

7. Conclusion and Suggestions

From the foregoing discussion regarding the protection of human rights in India, the conclusion emerges that the laws guarding against violations of human rights are substantial¹¹ but they are not being implemented properly. However, the higher courts, have from time to time given far reaching and innovative decisions¹² to protect victims of torture and ill-treatment. But, the report of Amnesty International (1993) has recorded the deaths of 459 in the custody of the police and security forces since 1985. Thus to enhance the protection of human rights and the prevention of torture, the following steps are recommended :

- i) The Govt. of India and all the State Governments should adopt an official policy to protect human rights.

- ii) All allegations of torture should be investigated impartially.
- iii) The Government should ensure that existing legal safeguards against torture are respected in all circumstances.
- iv) The detainees should be formally notified of their rights;
- v) The government should institute an intensive programme of human rights education as a standard part of the training curriculum for all police and security forces personnel involved in the arrest, detention and interrogation of suspects;
- vi) There should be a statutory right to compensation of victims of torture and ill-treatment;
- vii) The government of India should strengthen its international commitment to prevent torture which it affirmed and made a Unilateral Declaration against torture in 1979.
- viii) The full enjoyments of human rights can be secured in India only by promotion of universal respect for human rights, organised public opinion and sustained work by the governments and citizens alike.
- ix) The human rights movements need to be further activated and made more intensive. The unwritten code of human rights is the unwritten Magna Carta of all mankind.

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4. These Fundamental rights are :
 - i) Rights of equality (Articles 14-18)
 - ii) Right freedom (Articles 19-22)
 - iii) Right against Exploitation (Articles 23-24)
 - iv) Right to freedom of religion (Articles 25-28)
 - v) Cultural and educational rights of minorities (Articles 29-30)
 - vi) Right to constitutional remedies (Articles 32-35).
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8. Some of such organisations in India are : Andhra Pradesh Civil Liberties Committee (APCLC); the Association for the Protection of Democratic Rights (APDR), Calcutta; the Civil Liberties Human Rights Organisation (CLAHRO) in Manipur; Citizens for Democracy (CFD), Delhi; the Committee for the Protection of Democratic Rights (CPDR) Bombay; the Free Legal Aid Committee (FLAC) in Bihar; the Naga People's Movement for Human Rights (NPMHR), the People's Union for Civil Liberties (PUCL); and the People's Union for Democratic Rights (PUDR).
9. The Protection of Human Rights Act, 1993, s-21.
10. In early 1995, the Commission got a list of 3007 persons detained under TADA and the public Safety Act in J&K State. This list, once received by the Commission, was opened to the public. See 2(5) Human Rights-News Letter (May, 1995).
11. See Constitution of India, Part III (Fundamental Rights); sections 330 and 331 of the Indian Penal Code and Section 29 of the Indian Police Act, specifically forbid the practice of torture; In case of death in police custody, and enquiry by a magistrate is mandatory under section 176 of Cr. P.C., Articles 32 and 226 of the Constitution empower the Supreme Court and High Courts to issue writs for the enforcement of human rights. A victim can also file a civil suit for damages under CPC or initiate a criminal prosecution under Cr. P.C.
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INDIVIDUAL'S FREEDOM OF RELIGION : AN ANALYSIS OF CONSTITUTIONAL PROVISIONS

Kashmir Singh*

The U.N. General Assembly proclaimed the Universal Declaration of Human Rights (UDHR) in December 1948. The Constitution of India was enacted and adopted within less than a year of this proclamation. Parts III and IV of the Constitution and judicial interpretation thereof incorporate more than two third provisions of the Declaration. Individual's Freedom of Religion, is available in Article 18 of the UDHR and Article 25 of the Constitution.

Article 18 of the UDHR runs as under :-

"Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief and freedom either in alone or in community with others and in public or private manifest his religion or belief in teaching practice, worship and observance."

Thus freedom of thought, conscience and religion is clubbed in Article 18 of the UDHR. On the other hand, constitutional provision in Article 25(1) guarantees the freedom of conscience and religion to the individual. It reads as under :

"Subject to public order, morality and health and other provisions of this part, all persons are equally entitled to freedom of conscience and the right to freely profess,

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practice and propagate religion. Bare reading of this Article shows that it has two limbs, freedom of conscience and freedom to profess, practise and propagate religion. One is freedom to believe and the another is freedom to act in accordance with that belief. The former refers to mental or internal process of belief or non-belief, the later refers to external action or manifestation in pursuance of mental ideas or beliefs of the person. The former is meaningless unless supplemented by the latter.

Freedom of thought, third limb of article 18 of the UDHR may be deemed to be impliedly included in the freedom of conscience as it is meant to be freedom of belief. Besides, freedom of thought may also be deemed as included in Article 19(1)(a) of the Constitution which guarantees freedom of speech and expression because the thoughts are expressed by speech or otherwise.

Freedom of Conscience :

UDHR as well as the Constitution guarantees freedom of conscience. This freedom flows from the ideals of a secular state in which state as a political association, is concerned with social relations amongst individuals leaving their relation with God to their conscience.¹ It denotes the right to entertain such religious beliefs as may be approved by one's conscience. By implication it includes freedom to believe or not to believe in any religion and freedom to believe in one religion or another. Freedom for

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agnosticism or atheism is also included in it. Not only freedom of religion but freedom from religion is also included in it.

Freedom of conscience or belief is, by its nature, an absolute right. The state is not to interfere with the internal thoughts and beliefs of an individual. But when such belief is reflected into action, other people will necessarily be affected, then, it would be subjected to regulation or restrictions to be imposed by the State. Article 25 subjects the freedom of conscience also to public order, morality, health and other fundamental rights, such restriction cannot be imposed on this freedom unless it is externalised.

Utility of Article 25 :

Assessing the desirability and utility of Article 25 in the Constitution, it may be asserted that the freedom has not made any addition to the freedom of religion over which was already being enjoyed at the time of the enforcement of the Constitution. The Madras High Court has summed up the position in this regard in these lines :-

"The position in law before the Constitution was that while the state did not interfere in matters of religion in its doctrinal and ritual aspects treating it as a private purpose, it did exercise control over administration of properties endowed for religious institutions treating it as a public purpose. ... The law as it stood prior to the Constitution has not undergone a change."2

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It stands as it was before the enforcement of the

Constitution. So no additional benefit seems to have been conferred by inclusion of Article 25 in part III of the

Constitution. Various provisions in part III of the

Constitution provide for various rights and freedoms but

Article 25 seems to constitute an exception. It includes

along list of restrictions and limitations on the

freedom of religion. Prominence is given to the restrictions

as the article opens with recitation of these and the

fundamental rights is given an ancillary place. Even the

freedom of conscience which is an absolute right is not

spared. The fundamental right is subjected not only to

public order, morality, health, social welfare and reform,

secular activities but also to a very unusual limitation,

i.e., "other provisions in this part". Article 25 being

subject to all other fundamental rights has made it the

junior most partner amongst the fraternity of the

fundamental rights. It can be safely asserted that this is

the weakest of all the fundamental rights. So even if

some addition could have been imagined to be made by the

Constitution to the freedom of religion, that have been

taken away by imposing the multiple restrictions. The

framers of the Constitution seem to have been over

zealous in their attempt to be exhaustive and leave as less

as possible for the judicial interpretation.

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STATUS OF WOMEN IN INDIAN SOCIETY

" GENDER IN A SIEVE "

Kavita Suri
Journalist.

It has only been in the last decade or so that attention has been focussed on issues relating to women, with the rise of women's movements and the notice they have drawn from different governments, international organisations and academicians. The concept of equality has exercised a powerful emotional appeal in the women's struggle. The discussion of the women's problems in general terms and even in relation to specific societies in the present case, contemporary India, centres around the genesis of the subordination of women.

Even as all of us are gearing up to observe International Women's Day on March 8 and also as we are observing the SAARC decade of the girl child, still the gender gap continues to be a yawning one, with little hopes of being narrowed. The girl child is perhaps one of the most important sections of the society, which is neglected from the womb to the tomb. She has to accept an inferior status in the socio-economic-religious set up. Deep rooted inbuilt social prejudices ensure that she is shackled to a life of deprivation, humiliation, docility, blind obedience and total dependence. An analysis of the data reveals her invisibility, which in turn reveals the deep rooted social custom of neglecting the female, and her constant devaluation in society.

The history of human culture is replete with examples oppression of women in one form or the other.

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One form of oppression of women is the practice of female infanticide and foeticide. Parents may be doing this by adopting different ways and for different reasons but it is happening all over Asian countries including India in a massive way - - the killing of baby girls, whether right in the womb, or after she is born. Experts say that if this practice goes on, it may lead to serious economic, social and demographic upheavals like bride selling, increased prostitution, kidnapping of women and rape in two or three decades.

In India, ever since amino-centesis and ultrasound which are popularly known as 'sex-determination tests' and whose real purpose is to detect abnormalities in the foetus, was introduced some years ago, reports have been pouring in that the test is being used not just to determine the sex of the foetus, but as a prelude to the abortion of a female foetus. The rapid spread of these tests has resulted in sex selective abortions of hundreds of thousands of female foetuses.

In rural India, many parents continue killing baby girls by adopting different cruel means. For instance, in Bihar their backs are broken at birth and they die; in Rajasthan, they are buried alive in the sand; in Madhya Pradesh, they are poisoned by tobacco leaves stuffed down their throats. Another effective method to kill by covering the child's face with placenta or pressing it with a heavy object till her life-line snaps. And of course, the crudest form is to bury the girl child alive. The other methods used to kill girls include defective cord cutting, strangulating and putting her in an earthen pot covering her and then waiting for her to die.

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Female foeticide and female infanticide are rampant in India and are unfortunately also being misused as a means of population control. The basic motivation for female foeticide and female infanticide in our country comes from the compelling desire to have a son and the financial burden in bringing up many children, specially girls due to the dowry system. Sadly, despite International Year and Decade of Women, and the toothless Women's Commission, the future of the fair sex in India is grim even at the threshold of the 21st century. Females have been gradually vanishing from India. Following the 1991 census, even the UNICEF expressed its concern over the 10 percent 'missing' from the projected female population which could well represent millions of cases of foeticides, infanticides, death by criminal neglect, nutritional deprivation and intentional discrimination in medicare. As per UNICEF findings, there are ten percent fewer women in India than there should be. There are large number of females who are missing from the demographic profile of the country either because they were not allowed to be born or because once born they experience such discrimination that significant numbers do not survive.

According to the data available with the United Nations Statistical Office and Population Division, India has only 93 women for every 100 men, while in most countries of the world, there are 105 women for every 100 men. In fact, India is among the nine countries listed where women are fewer than men. Others include Pakistan, Hong Kong, Bangladesh, Albania, China, Afghanistan and Nepal.

The reasons for this adverse ratio are not far to seek. For instance, in Bihar, for a paltry sum of Rs.100

an infant girl can be killed at her parents' behest. And the most astonishing thing is that no question would be asked ; neither will there be any report registered. Discrimination against her, thus, has assumed a wide range, cancelling out her survival capacity.

Despite the dismal failure of new state laws to curb female foeticide, some women organisations continue to demand comprehensive all-India legislation and even more stringent provisions to deal with the problem. In August, 1994, Parliament enacted another law, also called the Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, in response to their pressure. This law prohibits any genetic counselling centre, laboratory or clinic from performing any of the PND techniques unless they register under this Act. Though these tests have been banned because clinics were indulging in aggressive campaigns to encourage people to abort female fetuses and hoardings such as 'Pay Rs. 500 now and save Rs. five lakhs later', playing on the anxieties of parents about having daughters, had become a common sight in states like Punjab, Haryana and Gujrat ; yet the laws have not been implemented strictly. In August '94 only, the Human Resources Development Minister 'ordered' a survey of cases of infanticide in nine states - Andhra Pradesh, Bihar, Gujrat, Haryana, Madhya Pradesh, Rajasthan, Uttar Pradesh, Punjab and Timil Nadu. The report, if any, has not as yet been made public.

Ladies and gentlemen, there are laws in the modern world which prohibit the killing of animals - surely the law enforced to prohibit the killing of female children can help. But who would report these deaths.

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The remedies are simple, enforce laws relating to dowry and sex-determination tests strictly ; provide greater education and opportunities to girls and educate the people how less girls and more boys can lead to more crimes against women. But the moot question - who will do all this ? Not the politicians, at least but the society at large-by playing an important role in enhancing the stature of women, by outlining the contributions of a female child could make to it they are given the right kind of educational opportunities. A far better way to stop this inhuman practice is, of course, to strike it at the roots. As the saying goes - the hand that rocks the cradle rules the world.

To conclude, I would like to say that a child has the right to be born, whether male or female. It is extremely unfair to discriminate the female child. Who knows the dreams and aspirations of the embryo in the womb ? Do we have a right to arbitrarily end a life, a life which may perhaps save the world ? Do we have a right to deprive the world of their leadership and services ? No, we don't have. It is imperative that the vicious cycle of multi-curse, multi-abuse and multi-neglect is broken so that the bud is allowed to bloom freely, without social and other restrictions. What is needed is social awareness and a change in the attitude of the people. Only then can the girl child in India look forward to a better future.

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Observations of Dr. Derrett in this regard are worth noting. He refers to it "as a Fundamental Right which is conveniently but misleadingly called as freedom of religion. ... Article 25 sets out a fashionable proposition subject to so many qualifications and restrictions that the readers wonders whether the so called fundamental right was worth asserting."⁵

If it is still insisted that Article 25 does confer the freedom of religion, the utility of its specific inclusion is negated by the following observation of the Supreme Court in Menka Gandhi v. Union of India :

"The expression personal liberty in Article 21 is of widest amplitude and it covers a variety of rights which go to constitute the personal liberty of man and some of them have been raised to the status of distinct fundamental rights".⁶

Freedom of religion may be counted as one of such distinct fundamental rights which is deemed to be included in Article 21. Freedom of religion is included in the wide variety of rights which constitute individual's personal liberty. Justice Bhattacharjee's observation to this effect is as follows :-

"Now it has been settled beyond dispute in Menka Gandhi and later decisions that the expression personal liberty is not confined only to freedom from physical restraint but is of widest amplitude covering the variety of rights which go to constitute the personal liberty of man. The right to freedom of conscience and freely to profess, practice and propagate religion guaranteed under Art. 25, would also be covered by Art. 21, it would also be a right to freedom of speech and expression under Art. 12(1)(a).⁷

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The learned judge further clarifies :

"There can be no doubt that literally, logically and also legally, 'the right freely to profess, practise and propagate religion' is a right which is obviously included within the expression 'personal liberty' under Article 21 and also within the right to 'freedom of expression' under Article 19(1)(a)".⁸

This freedom is available not only in Article 19(1)(a) and Article 21 but in other clauses of Article 19(1) also. Freedom of speech and expression, freedom of assembly and freedom of forming association can be used for religious purposes and it grants freedom of religion in substantial measure.

Freedom to convert :

UDHR specifically mentions, "this right includes freedom to change one's religion or belief. This freedom is impliedly included in Article 25 of the Constitution. Freedom of religion means that one is free to follow the religion of his choice according to the dictates of his conscience. One is free to relinquish one faith and embrace another. So one may stick to one religion or convert and reconvert any number of times. But if freedom to follow the religion of one's choice is curbed by fear of losing some benefits granted by the States, if profession of a particular religious faith is considered as the deciding factor for giving a state benefit, can it be termed as freedom of religion or can it be called anything else than discrimination only on ground of religion? So if beneficiaries of various benefits granted to the Scheduled Castes are persons

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believing in Hindu and Sikh religion only as per
Constitution (Scheduled Caste) Order 1950, it is a
violation of the principle of secularism and freedom of
religion as contained in Article 25 and also a discrimi-
nation only on ground of religion as prohibited by Art. 15
of the Constitution.

Various provisions in personal laws also restrict the
freedom of religion. Conversion is a ground of divorce. If
one exercises freedom of religion by converting to a
religion of his/her choice, it will affect the matrimonial
relations.¹⁰ Such provision in various laws unnecessarily
make the people sensitive about religion. A Hindu also
loses the right to maintenance, right to act as natural
guardian and the right to give the child in adoption
on conversion. Similarly section 26 of Hindu Succession Act
disqualifies a child from inheriting the property of Hindu
relatives if the child is born after conversion of his
parent/s from Hinduism, unless such child reconverts to
Hinduism before opening of partition. It is a clear
inducement for reconversion. Freedom of religion is sought
to be affected by offering the carrot of monetary
considerations.

Commenting upon the various provisions in Hindu Law
enactment of 1955-56 concerning effect of conversion
Bhattacharjee, C.J., comments :

It appears that though Freedom of Religion was secured to us by statutory laws as early as in 1850 by Freedom of Religion Act, 1850 which is still in force, and though the right to freedom of religion has now been guaranteed to us with much wider amplitude as a Fundamental Right by Article 25 of the Constitution in 1950, our Legislature has thought it fit to penalise us for the free exercise of the right to profess a religion of our choice. 12

All Persons are Equally Entitled :

Reverting back to Article 25, its wording " ... all persons are equally entitled to freedom" cannot freedom of conscience and of religion to one and all irrespective of faith and belief of the individual. Words 'all persons' are interpreted to mean that this freedom extends to all, citizens and aliens alike. 11 ~~xxxxxx~~ Those who frown upon the repetition and believe in brevity can validly question the use of word 'equally'. Article 14 has already guaranteed equality in general terms and Article 15 specifically outlaws discrimination on ground only of, Inter alia, religion. So word 'equally' does not seem to serve any purpose in guaranteeing the freedom of conscience and religion.

Freedom to Profess :- Freedom to profess means the freedom of expression of spiritual expression. It is the right of the believer to state or declare or admit his creed openly in public if he so likes. It may be by words of mouth or by other conduct. Wearing a sacred thread (Janeu) or putting a vermilion mark (tilak) on the forehead by a Hindu, observing fast (rozas) by a Muslim and carrying Kirpan by a Sikh is professing the religion.

Freedom to Practise :-

While 'xx profession' denotes expression, practice denotes the overt performance of religious rites, rituals, forms and ceremonies including participation in religious processions, assemblies and worship.¹³ Private as well as public worship both are included in it.

Freedom to propagate means the communication of one's belief or faith to others. Similarly anti-religious propaganda is also allowed unless it outrages the religious feelings of others, propagation does not mean conversion but conveying or spreading one's religion and exposition or persuasion, without any element of coercion.¹⁴ The right to propagate religion entitles people to dedicate property by way of trust for the purpose of propagating definite religious doctrines. An order prohibiting Sikhs from holding dewaan on particular days of Hindu Mela does not violate the right to freely propagate one's religion as the similar fundamental right of followers of other religion will be violated if they are so allowed.¹⁵

Limitations and Restrictions on the Freedom :-

The restrictions on their freedom are mentioned in the opening words of this Article namely public order, morality, health and other provisions in Fundaments Rights. Sub-Clause (1)(a) of Art. 25 protects the existing as well as prospective laws which regulate any economic, financial, political or other secular activity which may be associated with religious practice. This ~~xxxx~~ sub-clause constitutes an exception to the

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freedom of practice of religion. The freedom of practice would extend only to those rites and observances which are of the essence of religion and would not cover the various secular activities which go by the name of religion but are not part of true religion.¹⁶ For example, personal laws relating to marriage, adoption, etc., though founded on religious scriptures but will be treated as secular matters within the purview of state regulation. The sub-clause does not exhaustively enumerate the secular activities. It only mentions economic, financial and political activities, but there may be other secular activities also which do not fall under the above mentioned three categories.

Sub-clause 2(b) of Article 25 is another exception to the freedom in clause (1) of Art. 25. According to this, religion must yield to the social welfare which may be interpreted as common good or the general interest. Similarly religion cannot come in the way of social reform. But the state is not likely to affect or take away the essence of religion in the name of social welfare and reform. Law prohibiting bigamy and polygamy,¹⁷ abolishing devdasi system, imposing prohibition on consumption of liquor, etc., do not constitute infraction of religious freedom guaranteed by Art. 25(1) and conveniently fall under the exception mentioned in Article 25(2)(b).

Throwing Open of Hindu Religious Institutions :

Second part of Clause (b) of Article 25(2) holds the existing and prospective laws as valid if these throw open the Hindu religious institutions of public character to all classes

and sections of Hindu irrespective of their being contrary to the usage of a particular religious institution. Allowing entry to all the Hindus in public temples is manifestation of social reform. This Sub-clause is also a step towards abolition of untouchability and forbidding its practice in any form as enshrined in Article 17 of the Constitution. So it is not only a limitation on freedom of religion but also a right which can be conferred by the competent legislature. Thus the legislation overriding religious injunction prohibiting certain classes from entering the Hindu religious institutions of public character is validated by this clause. This clause is applicable to institutions which are dedicated to the general Hindu public or even to particular Hindu community or denomination by grant or by user and not to the family endowments or temples. The Parliament has enacted the Protection of Civil Rights Act 1955 which makes the prevention of public entry in Hindu temples on ground of untouchability punishable. The Bombay Harijan Temple Entry Act 1947 is also to that effect.

Explanation II of Article 25(2)(b) of the Constitution gives to the words 'Hindu' and 'Hindu religious institutions' an extended meaning for the purpose of this article alone. The extended meaning of these expressions is to be construed as to include persons professing the Sikh, Jain or Buddhist religion, which in themselves are independent religions, and their religious institutions. Whether a law can be passed to throw open the religious institutions of all these four

religions for all the persons professing these religions or the religious institutions of a particular community can be thrown open only to the members professing that religion? It is submitted that the Legislature is competent to provide for the either way. In case the Legislature does not make it clear, the first extended meaning, i.e., including all the persons of these four religions will be applicable. It depends on the Legislature to retain or do away with the distinction between Hindus, Sikhs, Jains and Buddhists as regard the temple entry legislation is concerned.

This sub-clause read with Explanation II means laws can be passed to throw open the religious institutions of public nature belonging to Hindus, Sikhs, Jains and Buddhists. It implies that doors of religious places of these religious communities are not open for all of them.

Explanation II divides the various religions in two categories for the purpose. First category is of religions which allow free entry to their religious places to all the persons professing that religion at least. It includes Christianity, Islam, etc. The second category includes the religions which allow restricted entry into their religious places. The religions enumerated in Explanation II fall in the second category.

But the framers of the Constitution have erred in making this classification. They have included all the religions of Indian origin in Explanation II assuming that there is no free entry into the religious places belonging to all these religions. But this is not true. At least Sikhism cannot be included into this category. Its religious places, i.e., Gurdwaras are open to all, Sikhs as well as non-Sikhs, without

any distinction. Thus inclusion of 'Sikh' in Explanation II gives wrong impression about the free entry into the Sikh Gurdwaras. This inclusion is nothing else but ignorance on the part of the framers of the Constitution about the lofty traditions of Sikh religious institutions where equal treatment is meted out to every one without any discrimination on grounds of religion, race, caste, sex, etc. As there is no need at all to legislate for throwing open the Sikh religious institutions to Sikhs or non-Sikhs, as these are already open to all of them, reference to 'Sikh' in Explanation II is totally redundant. It is suggested that either the word 'Sikh' should be deleted from Explanation II so that the Sikhs may feel satisfied that an unwarranted aspersion on their religion is removed. Or Explanation II should be deleted as a whole along with word 'Hindu' in clause 2(b) of Article 25 so that the Legislature is free to pass the laws wherever it is required.

Conclusion : It can be concluded that Article 25 of the Constitution is not a well drafted piece of legislation. Its inclusion and continued existence in the Chapter on Fundamental Rights is also not of much practical use. The wide interpretation given to Article 21 by the Supreme Court has further reduced the necessity of mentioning this fundamental right separately.

Ostensibly it confers a fundamental right on the individuals but its drafting gives the impression that it is meant to restrain and restrict that right. It opens and closes with the enumeration of limitations on the Fundamental Right and reference to the core right seems to be incidental and subsidiary.

Freedom of conscience and freedom to freely profess, practise and propagate religion are clubbed together and both are subjected to a number of restrictions. But freedom of conscience is an absolute right and by its very nature cannot be subjected to any limitation or restriction. Then word 'equally' is used without any purpose as equality is already guaranteed in the beginning of the Chapter on Fundamental Rights in the Constitution.

The legislature is authorised to pass laws for social welfare and reform in first part of clause 2(b) of this Article. Further elaboration of that very restriction as throwing open of Hindu religious institution of public nature to all the fellow believers of the faith was not that much essential. xx The first part of the clause could very well take care of this part also. Besides Article 15 and 18 could also ensure the free temple entry without any discrimination. Further, Explanation II attached to this clause also creates confusion. It unnecessarily extends the term 'Hindus' to include Sikhs. The Sikhs were justified in agitating against this clubbing as it gives a wrong impression about their religious institutions. It implies as if the doors of their Gurdwaras are yet to be opened for one and all by legislation just like the Hindu temples, which is factually incorrect.

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The concept of social justice can only be realised in a society which is based upon the ideas of equality and fairness, in which the state can provide a decent standard of living to the people at the maximum and protect the interests of the marginalised and deprived groups. The Constitution of India explicitly recognises the claims of social justice in Preamble, in the provisions of Fundamental Rights and in the Directive Principles of the state policy. Identifying women as among the most backward sections of society and acknowledging their marginalisation in the society, making preferential policies for them has been made mandatory by the Constitution. Along with the Constitutional provisions, progressive laws have also been made from time to time which aim at improving the legal status of women. Such laws include The Hindu Marriage Act of 1955; Hindu Succession Act 1956; The Hindu Adoption and Maintenance Act 1956; Dowry Prohibition Act 1961; Medical Termination of Pregnancy Act 1971; Equal Remuneration Act 1973; The Indecent Representation of Women (Prohibition) Act 1986; and Commission on Sati Prohibition Act 1981 etc. An attempt has also been made during various five Year Plans to work towards the betterment of women's position, A particular emphasis on improving the conditions of less privileged and weaker sections of society especially through the provision of education and employment has always been a part of the planned provisions.

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Despite all these measures aimed at providing social justice to women, the concept still remains a distant dream for majority of women. They are still the backward, oppressed and suppressed members of the society. Latest available statistical data indicates that literacy among women remains as low as 39.42% as compared to that of men which stands at 63.86%. What is more striking is the gap between male and female literacy rates at the states level which remains as high as 34.23% in Rajasthan, 29.53% in Bihar and 29.37% in Uttar Pradesh.² Similar is the situation about education which is considered as an asset and creates a sense of awareness among people about their rights and discrimination prevalent at various levels. In case of women the access to education is far from the governmental claims. During early 50's when India got independence, the enrolment of female students was to the tune of 10.8% and it could increase only to 28.5% in mid eighties and 44.9% upto 1992-93, But the enrolment ratio has been matched with the drop-out rates which is estimated at 55.5% at the Primary stage and 77.7% at middle school level.³ In the prevailing circumstances, it is obvious that illiteracy and ignorance are some of the major factors leading to women's continued deprivation.

Removal of economic inequality is one of the step by which just social order can be attained in the society. Here, again women are the worst sufferers. The percentage of male workers among males is 51.52%, of these 50.54% are main workers and 0.98% are main and marginal workers. The percentage of female workers remained as low as 22.69%. The break-up for main and marginal workers is 16.43% and 6.26%, respectively.⁴ The data shows substantial growth rate of women as marginal workers

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indicating that women are being pushed towards relatively inferior jobs as compared to those held by men.

Inspite of the existing laws and steps taken by the government, there is an upward trend in the crimes against women. They are killed daily in sobering numbers. The horrifying and heinous 'Tandoor Murder Case' the heart of the capital itself has brought into focus the growing incidents of crimes against women. The crimes like rape, molestation, domestic violence etc. have been on the rise but it is the nature of common place crimes which are devaluating the women the most. Although, there exists the Child Marriage (Restraint) Act 1978, but the practice of child marriage continues unabated in Rajasthan, Bihar and other States. Although, female infanticide is not a common all India practice, yet such cases still do take place in various parts of Country. In Bihar mid wives kill babies just for a payment of Rs.60/- and a saree. In some villages of Tamil Nadu, villagers kill baby girl to keep dowry at bay. Similarly, inspite of Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994, thousands of clinics with facilities of carrying out Pre-Natal sex-determination test are still operating throught the country.

Women's question in terms of their equal and dignified status, as a respectable member of the society has been placed on the priority level all over the world since mid 70's. Conscious raising projects haveen persisting even since 1975 when the International Year of Women was celebrated. The International Decade for Women 1975-85 and four U.N. World Conferences for women have also helped to raise the visiblity

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of women's question. This world-wide awakening has not left Indian women unaffected. The Report of the Committee on the status of women in India, for the first time highlighted the women's vulnerability and discrimination prevailing at various spheres. The women's decade has helped Indian women to think seriously upon diverse issues of fundamental concerns of different sections of women. They have started perceiving themselves as a disadvantaged and discriminated group. A number of women have initiated organised efforts though mostly at local levels to prevent oppression, exploitation, sexual harassment and domestic violence felt by their gender.⁵ Recognising the importance of voluntary action for social upliftment of a section of society, women's initiative at the grass roots levels is undertaken.

It was way back in early 70's that about twenty four women came together with a demand to regularise their wages and formed a 'Self-Employed.. Women's Association' (SEWA). This association wage a successful struggle against social injustice and women like paper pickers, vegetable vendors, labourers and beedi workers became its main protagonists. The basic essence of SEWA, a unique contemporary women's labour union, is based on the assumption that, 'They are women, they are self-employed and they are poor'. SEWA not only strive for changing socially and structurally working women's lives but make an effort to that these women are completely accepted in the present social context. SEWA organised All Women's co-operatives in rural and urban areas including production services and banking co-operatives. It has opened its own bank; it started its material protection scheme; for pregnant women.

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It has a provision of giving Rs. 100/- as a stipend and one Kg. Ghee during delivery. This is one of the organisation where women themselves are their leaders, they can decide their own future and try to find solutions to the problems they face collectively.⁶

The establishment of Manushi (A Journal about Women and Society) focussing women's issues was one of the earliest attempt of women's voluntary action to fight ~~on~~ their own thought print media during late 70's. This journal identify the issues and problems confronted by women in their day to day lives in various parts of the country. It focusses mainly on the lives of rural women. It was a sort of movement in itself as it covers the concrete realities of women's lives and deals with specific events and issues related to them.⁷

Kali for women is India's first feminist publishing house, it is an anthology of English language writings.⁸ The main aim of this Publishing House is to promote Indian Women's writings. Moreover, it is devoted to more serious and academic subjects.

It is assumed that one of the main cause of social justice, existing discrimination, harassment and exploitation is the ignorance of law. Parliament has enacted certain laws but unawareness especially among the victims of discrimination has reduced its effect. Recognising this reality, various welfare agencies started functioning in this field. Department of Women and Child Development in collaboration with a voluntary organisation - Multiple Action Research Group prepared a series of 10 Booklets to educate rural and semi-literate women about the basic provisions of law made for them. This organisation has provision to release this booklet in all major Indian languages

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to make it more effective.⁹ Efforts to improve women's image has also been extended at the local level. For example, Ahmedabad Women's Action Group (AWAG) took the initiative against sexist bias in the media. Although it was formally established in 1986, yet it started functioning during mid 70's. This organisation raises voices against gender bias in text books. Analysing X class SSC text books, it raised the following objection : Women are usually presented as emotional and sentimental beings on the one hand and sacrificing and submissive on the other; the customs like Sati and Johar are eulogised; no reference of women is found in text books of Maths, even social sciences text books ignored women's existence. These objections gained positive response from the Managing Board and resulted in modifications and deleting of those passages which deteriorate the image of women. This organisation also continues its struggle against the Portrayal of Women in stage plays and creates awareness among people.¹⁰ In Andhra Pradesh, Women's group set up grain banks to preserve traditional seeds in order to attain self-sufficiency. The Project successfully working in 65 villages has enabled women graduates from being farm workers to becoming managers of the land. This way women can take decisions on the use of land despite the man's claim of ownership of land.¹¹ In Bodh Gaya, working clan's (Labourers and tenants) and struggle against absentee landlords, women asserted their right to land. They demanded that land should belong to their own name and in some villages they succeeded in accepting their demand. In Gujarat, alternative organisations are being created for helping women workers to cope with the effects of Structural Adjustment Policies.¹²

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It was the result of active women's participation that arrack was made an electoral issue with many implications and turned political. Women compelled the politicians to add this issue in election manifesto. They drew attention to the devastation caused by arrack which makes a hell of their lives and ultimately they won. It was because of their efforts that arrack had been banned by the Government of A.P.

The aggressive role of women in the Chipko Movement is also worth noting when they resisted forest contractors' attempt to felling of trees. Women are also fighting against their displacement due to occurrence of development projects like construction of dams. Displacement disrupts crucial social and cultural linkage. It has adverse impact on migrated people, especially for women who are severely exploited by contractors and have to face adjustment problem. It has been stated by the Minister of State for Water Resources that 20 million people had been displaced since independence out of which only five million had received some compensation and rehabilitation. This meant that over 7.5 million women who had been displaced had been victimised by the trauma and violence of displacement.¹²

Women's voluntary action against crimes like rape has resulted in national level campaign e.g. in Mathura Rape Case, when Supreme Court had acquitted two Policemen involving in the rape of minor tribal girl. Women's group initiative later led to significant changes in Evidence Act, but even now women's groups all over the country are protesting in Bhawani Devi case.

Today women's concern is not limited to their fight against crimes, it is extended at various fronts like health, ecology, development content, use of resources etc.

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The aforesaid examples of women's voluntary activities in the direction of social justice pertaining to their gender emphasis, the fact that the very strategy of attaining social justice needs to be changed. The failure of State initiated policies needs a rethinking. Unless the targeted group requiring the advantage of such policies itself is mobilised the State action may remain ritualistic and hollow. The State action from above must be complemented with initiative at local levels.

R E F E R E N C E S

1. Article 14 Clause 3 of Fundamental Rights clearly states, 'Nothing in this article shall prevent the state from making any special provision for women...' The Preamble declaring Justice - Social, economic and political and Directive Principles of the State policy embodying the concept of a welfare state also aim at uplifting the women. According to Article 38, it is the duty of the State, 'to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice social, economic and political shall inform all the institutions of the national life.' It has also been provided that State policy should be directed towards securing adequate means of livelihood to both men and women and provisions of equal pay for equal work for both men and women.
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PROMOTION AND AWARENESS OF HUMAN RIGHTS CULTURE

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INTRODUCTION

Since the formation of human civilization the topic of human rights has been an objective of human welfare and dignity. Human rights norms, after all, were invented to protect individual against arbitrary action by the State as well as to exact state performance from which the individual right actually benefit. Human rights cover a wide range of topics. They do not merely incorporate civil and political rights, but economic, social and cultural rights as well. They also include the right to a healthy environment, development and other similar concerns. The range is so broad that practically everything done to benefit humankind could be considered a "human right". In real practice the human rights is the sum of all rights necessary to ensure our right to be human and it is the duty of all peoples and Governments to create conditions needed to exercise our right to be human. The human rights are as old as human race. They are not new phenomenos. The human rights are above politics. Human rights involve relationship among individuals, and between individuals and the State. They signify human development, dignity and peace. No society can exist without having human rivhts norms. Human rights and society are co-related as rights and duties or husband and wife. Today, human rights considerations are relevant to almost every sphere of Government activity and indeed, to many other areas of public and private life. The universal human rights standards and norms today find their

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expression in the domestic laws of most countries. It has become increasingly apparent that effective enjoyment of human rights calls for the establishment of national infrastructures for their protection and promotion.

At the present time many crimes and Human rights violations are being committed due to lack of adequate human rights awareness, religious values, spirituality, morality, accurate administrative set up, best politics, brotherhood, mutual co-operation, determination to put commitment into practice and proper enforcement of legal systems and laws etc. Recently, an inhuman, un-constitutional and undemocratic ban has been imposed on Sikh pilgrims of J&K (who are highest true and holy force of God) by the Pakistan to pay visit to "PANJA SAHIB" and other Gurdwaras" in Pakistan.¹ Although dirty politics has been played in this case, yet this is a human rights, religious and international issue. This is not a political and domestic matter of Pakistan. This issue is against the principles of Quran, Universal Declaration of Human Rights and Constitution of Pakistan. The Panja Sahib is a Historical Gurdwara of Sikh people in Pakistan. The Panja Sahib or Nankana Sahib is a place where Guru Nanak Dev ji, who was a Protector of Human Personality and Rights, and a Peer of Muslims and Guru of Hindus, held back by his holy palm the big advancing stone hurled by Wali Kandhari on Guru's Head.²

Thus, due to above mentioned happenings the human peace and life have been disturbed and destroyed. Nation and Society are facing many problems to make developments in every field of human life. Although many systems and programmes at National and International level have been made to protect and promote

human rights yet certain new means, mechanisms and measures are required to be made to protect and promote the human rights; generate an awareness of human rights among the human beings; made development and peace in the Country for the welfare of nation and human society; and persuade the Pakistan to remove this type of restriction and ban on Sikh Pilgrims of J&K to pay visit to Panja Sahib Gurdwara or Nankana Sahib as well as protect the Panja Sahib.

II. How to Develop Human Rights Culture

The concept of human rights culture came into existence with the view that all human beings are equal before the eyes of God and the laws of land and there is no distinction on the grounds of Sex, caste, colour, creed and race etc. All men and women are equal as the mental constitution of both is same. All human beings are treated equally. All human beings belongs to one family: mankind and the father of all human beings is God who is, being a Supreme being and Supreme divine power, running the whole world with the equal principles of nature setting aside the religious differences. Every human being of our family has same fundamental and equal rights. Each of us is entitled to have these rights respected and each of us has a responsibility to protect those for all others. All religions have the same moral values and basic fundamental principles and rights. No one religion is subordinate to other religions as all religions lead us towards humanity for the welfare of all mankind and human dignity. Differences of race, sex, language and colour do not change these rights. Nor do

differences of property, social origin, political ideals or religious beliefs. Everyone regardless of who they are and what they do or think, is born with human rights. Every violation of human rights, wherever it occurs, is a threat to the welfare and dignity of the entire human family. Thus, these are the fundamental beliefs which have given birth to the development and protection of human rights culture. The protection of human rights is a worldwide responsibility which transcends all social, ideological and geographical boundaries.

Since the dawn of human civilization the human rights has been an topic of human life, development, dignity and peace. From time to time many struggles were made and many battles were fought to protect and promote the human rights culture. At the time of "Sat Yug"³ there was a big struggle between Bhaghat Prhalad and his father Harnakash in which God came and killed the Harnakash and saved his devotee Bhagat Prhalad. During the time of "Treta Yug"⁴ there was a battle between Sri Ram Chander Maharaj and Ravain in which Ravin was killed and the role of Devi Sita Jee was a big example of human rights. When the period of "Duapur time"⁵ came there was an unique and tremendous fight between "Kaurva and Pandav" in which the role of Draupadi was an vital example of human rights and Sri Krishan Maharaj protected the Chasity of Draupadi in a strange way⁶, and Pandav killed the Kaurva. During the time of "Kalyug" many struggles were made and many battle were fought to save the humanity such as between Jesus Christ and Roman Government of that time.⁷ (Christian Community)

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between Imam Hussain and Yazeeed (Muslim Community)⁸, between Guru Nanak Dev Jee and Babur Badshah⁹, between Guru Hargobind Sahib and Mughal Badshah and Jhangir Badshah,¹⁰ between Guru Tegh Bhadur Jee and Aurangzeb Badshah,¹¹ and between Guru Gobind Shingh¹², his four sons¹³ and many Mughal Badshahs.

In addition to above, there were some leaders and persons in India who took part in the struggle of maintaining human rights culture such as Netides,¹⁴ Baba Deep Singh¹⁵, Mata Sahib Kour¹⁶ and Bhagat Singh Sahahid¹⁷ (Sikh Community), Rani Jhansi,¹⁸ Mahatma Gandhi,¹⁹ Subash Chander Bose,²⁰ and Shivejee Maharatha,²¹ (Hindu Community) etc.

In the modern time (50 years ago) the voice of human rights began with the Second World War. The United Nations came into being to prevent war and make peace. During this time the respect for human rights was not only considered as one of the organisation's principal goals, but also as a means to generate peace and prevent war. In order to give legal effect to prevent war and generate peace the Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10 December 1948 "as a common standard of achievement for all peoples and all nations." It outlined the fundamental human rights and started a new era of international relations. To give legal form to the provisions of the declaration, the United Nations has adopted two international Covenants which are legally binding upon every nation which becomes a party to them such as 1. The International Covenant on Economic, Social and Cultural Rights and Second, the International Covenant on Civil and Political Rights. The

formation of the United Nations and the stipulations made in the San Francisco Charter created certain principles which in turn inspired the Economic and Social Council (ECOSOC) to form the United Nations Commission on Human Rights. The two covenants and the optional protocol came into force in early 1976. The Covenant on Civil and Political Rights established a 18 member Human Rights Committee which receives compulsory reports from all states bound by the covenant. With the passage of time, some international treaties were signed; and mechanisms for the defence of rights on an international level were created and reinforced. The NGOs have established links first of all, between individuals and society in general and Secondly between countries and the international community. They have also provided grounds for developing ties between individuals and wide-ranging social groups. The United Nations General Assembly has recognised the NGOs contributions and the United Nations Commission on Human Rights also adopts resolutions or decisions every year which support role in the protection of human rights. Moreover many institutions have been established to support and protect the human rights at international level. In some countries, the Constitution Provides for the establishment of a national human rights institutions.

According to the norms and principles of Universal Declaration of Human Rights all governments are bound to improve the living conditions of their citizens. All governments of the world are under an obligation to guarantee the right to work, the protection of the family and the right to social security, education and health care. The governments are bound

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to provide this without discrimination of any kind. The States which ratify the covenant on economic, social and cultural rights agree to implement these rights and to submit progress reports regularly to the United Nations. Under the International Charter, it becomes the responsibility of all governments to protect the life, liberty and security of their citizens. They should guarantee that no one is enslaved and that no one is subjected to arbitrary arrest and detention or to torture. Everyone is to be given a fair trial. The right to freedom of thought, conscience and religion and to freedom of expression is to be protected. In this way, individual governments voluntarily become accountable to an international body for protecting the human rights of their own citizens. In India, the Government of India has appointed a National Human Rights Commission to work according to the Principles of Universal Declaration of Human Rights. The Indian "National Human Rights Commission" has acquired a good position and played a pivotal role in protecting the human rights of Indian citizens as well as citizens of foreign countries.

In addition to above there are many sources and theories of human rights culture which played an important role in developing the awareness and promotion of human rights norms. The sources are these:

1. Religion; According to Religion, all human beings are equal and there is no distinction in the principles of governing humanity. The universal common father made a concept of common humanity.

Second, Natural Law: The Autonomous Individual which gave rise to natural rights theory and is closely connected with modern human rights. Third, positivism: The Authority of the

State. In the positivist theory, the source of human rights is to be found only in the enactment of a system of law which with sanctions attached to it. The fourth is Marxism: "Man as a Specie Being". The theory of Marxism is closely connected with the nature of human beings according to which the men and women are not individuals with rights developed from either a divine or inherent nature, but are as "Specie Beings", and the "Law of nature" is an approach to human rights as 'idealistic' and a historical. According to this theory, the justice, morality, democracy, freedom etc. are determined by the material conditions of the people and their social circumstances. The fifth is the Sociological Approach, Profess and Interest. The Sociological approach identifies the empirical components of human rights system in the context of the social process. The "Social Engineering" of Roscoe Pound is the ordering of humans realities through politically organized society. Modern Theories of human rights culture are given below:

1. Theories Based on Natural right: Core Rights.
2. Theories Based on the Value of Utility.
3. Theories Based on Justice.
4. Theory Based on a Revisited State of Nature and the Minimalistic State.
5. Theory Based on Dignity.
6. Theory Based on Equality of Respect and Concern.

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III. SUBMISSIONS AND SUGGESTIONS

The human rights are part and parcel of human life. Human rights is not a new issue. Human rights has now been taken by all in a much broader sense. The basic human rights and fundamental freedoms are universally valid. But all of us will have to bear in mind that the term "Human Rights" means not only the civil and political rights which are being argued as vital for a democratic society, but also economic, social and cultural rights as well as the rights of the individual and those of the society. The subject of human rights has been enshrined in the new Charter of the United Nations which placed it within the context of International cooperation. While violations of abuse of human rights should be condemned, no country or group of countries should take it solely on themselves to mould this sensitive subject, that concerns the whole international community to suit their whims and fancies - cloaking it under a false-hood of self-righteous indignation.

It is submitted that the strength of human rights lies in building up the attitudes of the people. The lip service alone cannot protect and promote the human rights. The human rights is likely to be developed as a way of life, and is not limited to slogans. The promotion of human rights includes encouraging reflection on and analysis of human rights problems and their possible causes and solutions. This might be achieved through Seminars, forums, Conferences, Courses, lectures and printed matters. Another important activity which falls within the category of promotion is strengthening the independence of Judges and lawyers to prevent human rights violations.

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In the legal field, the adoption of laws and regulations dealing with the protection of human rights is necessary to respect the knowledge of law among the people. The people should also be aware about their human rights by various ways such as different medias, cultural activities, and programmes, lectures, debates and preaching at Mandir, Masjid, Church and Gurdwara. The achievement of human and social development is a fundamental human rights which is to be based on justice and equality. The observance of peace is the human rights of all peoples of the world which has to be protected and maintained by generating awareness of human rights for peace. The Cooperation between nations should be aimed towards improving the observance of human rights rather than towards making accusations or imposing incompatible values or even worse exploiting the issues of human rights by making it a political conditionality in economic and development cooperation. Moreover, it is incumbent on religious leaders and teachers to promote a greater awareness and observance of human rights and fundamental freedom among the members of their respective "audiences", as these very rights and freedom are embodied in their respective scriptures such as Skand Puran, Narsingh Puran, Ramayan, Gita, Quran, Bible and Guru Granth Sahib etc.

The following suggestions may be taken into account. The Human Rights Committees and Information Groups should be made in each state and union territory of India to strengthen the work of Indian Human Rights Commission, promote human rights among the masses. The Non-govt. Organizations should be set up in each state and union territory of India to act

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as the watchdogs of human rights at the national, regional and international levels. Their role is complementary to that of those governments which are motivated to protect the rights of their citizens. Moreover, the N.G.Os would develop systems of co-operation among themselves and with the various inter-governmental organizations on major issues confronting the world. Moreover, A Human Rights Institution should be set up in J&K State. The Students Human Rights Committees should be made at Schools, Colleges and Universities level and human rights materials should be distributed among the students freely as the students are the future backbone and builder of the society and nation. A Human Rights Committee at Mohallas, Villages, Colonies, Sectors and cities etc should be set up to let the people know and protect their human rights; and protect the human rights of others. A Regional Human Rights Committee is required to be set up in the region to observe and protect the human rights on one hand and maintain peace in the region on the other. All SAARC Countries should jointly form a Joint Human Rights Committee to protect and promote the human rights among the SAARC Countries.

Lastly as regards inhuman and unconstitutional ban on Sikh pilgrims of J&K state to pay visit to Punja Sahib, the govt., of J&K, India and UNO should put stress on the Govt., of Pakistan to lift this type of ban on Sikh pilgrims of J&K state as the Sikh Pilgrims of J&K state have human rights to pay visit to historical Gurdwara of Punja Sahib.

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17. Hindustan Da Komi. Shaheed Bhagat Singh by Giani Tirlok Singh jee. Fourth Edition, March 1963), Printer: S.Pritam Singh, Ghambeer Printing Press, Chowk Baba Bhorl Walla, Amritsar, Publisher: Mehar Singh and Sons, Pustaka Walla, Bazar Mai Sewai, Amritsar, pp.1-239, Relevant pages: 125, 133, 205, 213, 214, 219,220, 223, 234, 239, (Punjabi Script Book).. See also Vihwin sadi De Shaheed (20th Century Lives of Heros) By Gurmukh Singh Musesfer(1968), Publisher: S. Attar Singh, Vidya Prakashan Bhawan, Kerole Bagh, New Delhi-5, Printer: Saba Printers, New Delhi, pp.234-235, (Punjabi Script Book).

18. Jhansi Ki Rani (Laxmi Bai) By Dr. Bindra Van Lal Verma (1981), Published by Mayur Publisher Private Limited, 3872/18 A, Civil Lines, Gwalior Road, Jhansi (U.P.), pp.1-181. (Hindi Script Book).
19. My Days with Gandhi by Nirmal Kumar Bose (1974), Printed in India by P.C. Ray, at Blue Line Printing Industries, 50 Sitalatale Lane, Calcutta-11 and Published by N.Vambu Iyer, Manager Orient Longman Ltd; Calcutta, pp.1-249, Relevant Pages 228.
20. Subash Chandra Bose And Indian Freedom Struggle By Edmund Muller, Ph.D. and Arun Bhatia, Char Jee, Ph.D. (1985), Ashish Publishing House, 8/81, Panjabi Bagh, New Delhi-110026, Pages 1-140. (English Script Book).
21. Shivaji By Setumadhavarao, S. Pagadi, (1993-Saka 1904), National Book Trust, India Published By the Director, National Book Trust, India, A-5, Green Park, New Delhi-110016 and Printed at Bharat Mudaranadaya, Naveen Shahdara-110032, pp.73-88, (English Script Book).

....

denied responsibility on this account. This case is being kept pending for nothing. Proper steps should soon be taken now and the case should be decided without further delay.

(iv) File No. 43, Lahnu of Ratanpur *versus* Gangu, &c., regarding claim for produce worth Rs. 272. This case was instituted on 15th Assuj 1956 and the Register of files in which it was entered is not forthcoming nor can the Moharrir definitely say in which register it was entered. This case was filed several times for default. Lala Amrik Rai, Wazir-Wazarat, heard twice the appeal against orders filing the case for default whereupon the case was reopened and is still pending. It is not understood under what law the Wazir-Wazarat heard the appeal against the order dismissing the case for default. The proper course was to receive the application for rehearing the case within the period fixed for the purpose or the case started *de novo* on a fresh plaint. So far the defendant's Statement has been taken down, the issues are yet to be framed. Moreover it is surprising to find that the case being a Judicial revenue one, is being heard on 0-8-0 annas Stamp paper, whereas according to Notification No. 14 it ought to have been heard on a fully stamped paper. Unfortunately for the parties the case has been kept pending decision for such a long time and has still entered upon its first stage. The Governor will please direct the Tahsildar concerned to see that the case is not kept hanging over beyond a period of 3 months hence, and that the legal defects at present existing in the case should be remedied.

(v) The 5th file miscellaneous relates to a case of compensation of land which was acquired for the Satwari Cantonment and is pending since 1952. The file of the case was returned from my office in Bhadon 1963, with orders for preparation of compensation papers. These orders have not been complied with as yet. The Tahsildar should pay special attention to the case and report compliance with the orders very soon.

File No. 36 of 1965.—A *Miscellaneous Revenue Case* of appraisement put in by Deviditta Mal of Jammu. In this case the copy of sale deed has been accepted on plain paper without stamp. Similarly in file No. 4 of 1965, a miscellaneous revenue case of appraisement (Duni Chand of Jammu) copy of sale deed and of decision of the Sub-Judge's Court has been accepted on an unstamped paper. This shows ignorance of the Moharrir in-charge and want of supervision by the Tahsildar, and means loss (of stamp revenue) to the State. The Moharrir should be warned for the future and the deficiency of court-fee stamp be made up now by the applicants.

File No. 40 of 1965.—A miscellaneous revenue case. Narain Das *versus* Lachhman, &c., regarding application for appraisement for Kharif 1965. In this case the Statement of area has not been filed, nor it has been ascertained as to what rights the petitioner possesses while an order for appraisement has been issued from the Tahsil. This is owing to the ignorance of the Officiating Tahsildar Sultan Ali that orders have been issued without ascertaining the rights of the applicant and without following the usual procedure in such cases. Proper care should be taken for future in such cases.

Two files of execution of decree.

No. 5 of 1965, Bhagat Ram *versus* Nabia, and No. 3 of 1964, Bhagat Ram *versus* Nikka. In these cases attachment warrants have been issued without receiving any Talbana. This is an error in procedure which should be avoided in future.

Two cases regarding produce, *i.e.*, No. 13 Sunder Singh *versus* Ilmun and No. 23 Phula *versus* Devia were instituted respectively in Katik 1964 and Magh 1964. Written pleas were presented in Maghar 1964 and Phagan 1964, whereas issues were framed in Bhadon 1965 and Sawan 1965. The cases were thus kept pending for over a year without sufficient cause. This delay in the decision of Judicial revenue cases simply shows carelessness of the Tahsildar concerned.

File No. 96 relates to miscellaneous case opened on a Robkar issued from the Tahsil Office to the effect that the Fard given by the Patwari Hari Ram was wrong, and that his explanation should come up. Since Chet 1963, this file is

pending for want of Patwari's explanation. The file bears an order dated 18th Baisakh 1965, to the effect that it is not known in which circle the Patwari was, and that the papers be, therefore, put up with the connected file. The file bears no subsequent order. The disposal of this file shows the extent of ability and knowledge of local conditions on the part of the Tahsil Amla and the Tahsildar himself. It has taken two years to find out the circle in which a certain Patwari was then working and the Tahsil Amla has put away the file in a den of oblivion, for the past 8 months. The Governor will please issue necessary orders in the case and see the proper disposal of the file, the official in fault being properly punished.

The File No. 30.—An appeal case, Musammât Jasodhan *versus* Joti Ram instituted in the Wazarat Office on 10th Katak 1964 was sent to the Tahsil Office for verification of pauperism under Section 566 of Civil Procedure Code. On 13th Sawan 1965 Choudhari Sultan Ali, Officiating Tahsildar, ordered the case to be filed in default. The case having been instituted in the Wazarat office, the Tahsildar has no power to file the case in default in the Tahsil Office. If the appellant did not care to present himself before the Tahsildar, the proper course was to report the matter to the Wazarat Office. This is an instance of Choudhari Sultan Ali's ignorance of law. The file should now be reported on by the Tahsil office and submitted to the Wazarat Office, so that the Wazir-Wazarat may pass necessary orders in the case.

Besides, there are other miscellaneous files regarding deaths of Lambardars and Muafidars which have been kept pending for the last 2 or 3 years. The delay in these cases is generally due to the orders for appearance having not been complied within time. It has been generally noticed in the miscellaneous revenue cases that no mention is made of the fact of presence of the parties on the date fixed for hearing, and it cannot, therefore, be ascertained as to who was present and how far legal proceedings were taken against absentees. This is due to inattention on the part of Tahsildar himself who does not write intermediate orders himself on the file, nor exercises any check over what is written by the Moharrir as to the mention or otherwise of the presence of the parties. Special attention be paid to this fact in future. The files of cases which are returned to the Tahsil duly decided by the court of appeal are kept in the Tahsil unnecessarily for a long time. Such files should be sent to the Record-Room soon after necessary action is taken thereon. No index is kept of the decided files recalled for reference with appeals pending, and no intimation thereof is sent to the Record-Room so as to enable necessary entry being made in the General Register. This is a great defect and is likely to lead to confusion in the General Register of the Record-Room and under the present practice it will take a good deal of time in tracing files in Judicial revenue cases which are returned from the Wazarat Appeal Court after decision. No copy of decree in appeal cases is sent to the Tahsil along with the original file from the Wazarat Office. This is contrary to procedure, this mistake is caused by the Wazarat Amla. The attention of the Wazir-Wazarat is drawn to this.

9. It is not known why Moharrir Mal is entrusted with the partition cases and cases of deaths of Lambardars and Muafidars, while some work legitimately pertaining to his branch, such as files regarding realization of costs in pauper suits and sale of Nazool shops Jammu is entrusted to the Judicial Moharrir. I shall presently remark as to how far from satisfactory has been the disposal of these files. The Office Kanungo has not generally got sufficient case work to do and he is mostly connected with such cases, for he has got register of Lambardars, Muafis and Jagirs to record the final decision in these cases and as the Moharrir Mal is generally not acquainted with the Settlement work and such cases are generally in-charge of Office Kanungo in other Tahsils, it will be proper that such cases may remain in-charge of the Office Kanungo here as well. The Governor may please consider over the matter and issue necessary orders, so that work may be properly distributed amongst the Tahsil Amla. If Kanungo has other work, he would not have any case work at all.

10. There is no Stock Register with this Moharrir nor was any in the Tahsil. The furniture in the Tahsil is entered nowhere. This is due to great negligence on the part of the Tahsildar that in spite of instructions to the effect,

no Stock Register has been opened. It is not known who is responsible for the State furniture, and for any loss in stock. The Dead Stock Register should at once be opened and completed in accordance with the instructions issued by the Accountant-General on the point. The Governor will please see that the needful is done.

11. The file book is incomplete and has got no index.

12. There is no Library in the Tahsil office.

13. *Office Kanungo*.—Office Kanungo is Bhagwan Das, a Settlement trained man.

14. *Rain gauge*.—He (Bhagwan Das) is in-charge of rain gauge and understands its reading. The fencing round the rain gauge is not quite safe, it has got no lock which should now be provided. There are a great number of small bushes inside the enclosure and no attention has been paid towards uprooting them. The enclosures should at once be cleared of such bushes. Animal's dung is lying within the enclosure, which proves that it remains open. Steps should be taken to keep the enclosure clean and safe from the encroachment of animals. There is no second set of the instruments in this Tahsil, and if one set gets out of order, the work will have to be stopped for want of the other set. The Meteorological Department should, therefore, be asked to supply one set more for the purpose. There is no rain-gauge bottle, but there is only a tin protector in which rain-water is collected and measured. A bottle should be had for the purpose.

The following statement shows the amount of rainfall in this Tahsil for the last three years :—

	Inches.	Tents.	Cents.
1906	51	1	2
1907	39	9	5
Upto 26 h November 1908	41	1	5

15. *Patwaris*.—There are 41 Patwaris in this Tahsil, of whom 13 are in the first grade, 8 in the second, 20 in the third and 3 in the fourth grade. The rate of their pay according to their grades is Rs. 10, 9, 8, and 7, respectively. The Patwaris' circles are distributed among 2 Girdawars. The monthly expenditure on account of the Patwaris' pay is Rs. 383. The result of Patwaris' Examination shows the following state of their qualifications :—

Serial No.	Name of Circle.	Name of Patwari.	When employed.	Whether he has passed Patwar Examination.	Educational attainments.	Remarks as to work.	General remarks.
1	Gagti No. 7	Rup Lal	1st Bhadon 1960	Patwar Examination passed.	.....	He is a Patwari of the 2nd Grade of moderate abilities and is punctual in the disposal of his work.	
2	Satwari " 20	Shah Din	1st Baisakh 1949	.....	.....	He is an experienced Patwari and knows his work but is old.	
3	Talokpur " 21	Tara Chand	Assuj 1959	.....	.....	See No. 1.	
4	Bhadour " 22	Shib Ram	1st Assuj 1956	.....	.....	He is young man, Mian by caste, and is a State Subject and knows his work well.	
5	Chak Kahana No. 29	Minor Faqir Chand works under guidance of Lal Chand.	14th Jeth 1961	.....	.....	The Patwari himself has not reached maturity. His guardian works for him on half his pay.	
6	Gangu Chak " 31	Parna Nand	6th Poh 1959	.....	.....	Is a Kashmiri Pandit and is acquainted with his work.	
7	Kote No. 14	Pir Bukhsh	22nd Maghar 1965.	.....	.....	He is an old servant of the State and knows Settlement work well. Having worked in the Jammu and Kashmir Settlement operations was appointed as Patwari in the Jammu Tahsil. He has worked in the Governor's office for sometime and also as Darogha Nazool, and reverted to his substantive appointment of Patwarship from the Governor's office on 22nd Maghar 1965.	
8	Ranghan No. 9	Jalkishen Das	1st Chait 1955.	Passed	Studied up-to Middle.	He is a Hard by caste. He is a young-man of active habits and is a State Subject. He knows measurement and Record work well.	
9	Chak Alam " 42	Hakim Raj	Do.	.....	.....	He is an old employee and has served in the Jammu and Kashmir Settlement and knows his work well. He is an Arora by caste.	
10	Sun No. 43	Lachhman Das	24th Assuj 1962	.....	.....	He is a Khatri by caste and is a State subject. He has been transferred here from the Ranbirsinghpura Tahsil and is an old employee well acquainted with work.	

11	Makowal No. 44	...	Dhian Chand	...	10th Har 1956	...	Passed	...	.....	He is a youngman and knows his work well.
12	Akalpur " 24	...	Abnashi Ram	...	8th Phagan 1958	...	.....	Studied up-to Middle.	.....	He is a youngman and is a good calligrapher. Besides the Patwar work he also knows office routine to some extent.
13	Sohanghana No. 39	...	Hukam Chand	...	15th Poh 1961	...	.....	.....	.....	He knows Patwar work and is hardworking man.
14	Wanh No. 1	...	Hari Ram	...	1st Baisakh 1949	...	.....	.....	.....	He is an intelligent worker and is a State Subject.
15	Marh " 26	...	Kirpa Ram	...	4th Har 1958	...	.....	.....	.....	He is a son of Fattu Zaildar of Bhadrar and is a Patwari of moderate abilities.
16	Smailpur No. 25	...	Kashmiri Mal	...	1st Baisakh 1938	...	.....	.....	.....	He is an experienced official and writes a good hand.
17	Darobi No. 8	...	Diwan Chand	...	3rd Poh 1958	...	Passed	.....	.....	He is a young-man and is a good-writer. He knows his work well.
18	Rathoys " 34	...	Prabh Dial	...	13th Har 1959	...	Do.	Studied up-to Middle	.....	Do.
19	Jammu " 16	...	Mathra Das	...	28th Katak 1964	...	Do.	Primary	.....	Do.
20	Gharota No. 10	...	Amrik Singh	...	21st Magh 1960	...	.....	.....	.....	He is a young-man and a good worker. He is a good-tempered and a man of good behaviour and knows his work well.
21	Gajansoo " 32	...	Khan Alam	...	24th Har 1963	...	.....	.....	.....	He knows his work well and does it in time.
22	Jandrah " 2	...	Prem Chand	...	15th Chet 1961	...	.....	.....	.....	Do.
23	Dhatrayal No. 33	...	Ram Chand	...	5th Sawan 1957	...	.....	.....	.....	His knowledge of work is below average and is working on trial. He has not yet been confirmed.
24	Kanayla " 4	...	Raja Khan	...	1st Sawan 1965	...	.....	.....	.....	The original incumbent of the post is Rajab Ali, but the authorities posted this man on trial for three months on 18th Magh 1965.
25	Dansal No. 3	...	Paras Ram	...	.....	...	.....	.....	.....	He is a young-man and has passed the Patwar Examination, but appears to be rather sluggish.
26	Nagrota No. 6	...	Ragnath Das	...	Magh 1964	...	Passed	Passed Anglo-Vernacular Middle.	.....	He is a youngman and knows his work but is cunning and is generally careless to obey orders.
27	Amb No. 11	...	Diwan Shah	...	1953	...	.....	.....	.....	He is a man of ordinary abilities.
28	Baran " 12	...	Sukh Ram	...	Chait 1964	...	Passed	Studied up-to Middle.	.....	He knows his work and does it punctually.
29	Bhalwal No. 13	...	Ralia Ram	...	27th Jeth 1957	...	.....	.....	.....	He is an old Patwari and knows his work but is slow and, therefore, wants supervision.
30	Sungwan " 17	...	Nand Lal	...	1st Baisakh 1949	...	.....	.....	.....

Serial No.	Name of Circle.	Name of Patwari.	When employed.	Whether he has passed Patwar Examination.	Educational attainments.	Remarks as to the work.	General remarks.
31	Sohawara No. 18 ...	Bal Mokand ...	1st Har 1964 ...	.....	.....	He has been working for the last 2 years and was taken in place of his father. He has not worked hard during this period.	
32	Muthi " 23 ...	Lal Chand ...	5th Assuj 1960 ...	.....	.....	He is a young-man and does his work punctually.	
33	Chak Shama No. 27...	Biant Singh ...	23rd Magh 1963 ...	Passed	Passed Middle ...	He has passed the Patwar Examination.	
34	Pangor No. 28 ...	Prabh Dial ...	8th Jeth 1958 ...	.....	.....	He is an old experienced Patwari and knows his work well.	
35	Galody " 30 ...	Tara Chand ...	28th Baisakh 1962 ...	.....	.....	He is a man of ordinary abilities and is a resident of the village in Tahsil Khas.	
36	Saharan " 35 ...	Gurnukh Rai ...	21st Baisakh 1963 ...	Passed	.....	See No. 33.	
37	Thab No. 37 ...	Ilam Dia ...	28th Magh 1950 ...	.....	.....	He is an old employee and does his work in time. He was transferred here from the Sri Raubirsinghpura Tahsil about 6 or 7 months ago.	
38	Thalwal No. 40 ...	Mohammad Bulaqi ...	29th Katak 1957 ...	Passed	.....	In spite of old age, he does his work in time. He is a good writer and is an experienced man.	
39	Mandwal " 41 ...	Kirpa Ram ...	4th Sawan 1965 ...	Passed	.....	He is a State subject and is a young man. He knows his work well and does it in time.	
40	Suransar " 3 ...	Shib Das ...	1st Sawan 1964 ...	Passed	Passed Middle ...	Is said to be a qualified young-man and knows his work well.	
41	Ghu No. 38 ...	Sujan Singh ...	9th Sawan 1965 ...	.....	.....	Is doing his work fairly well but is an invalid.	
42	Palura " 15 ...	Thakar Das ...	13th Sawan 1948 ...	.....	.....	He is an old Patwari and knows his work well, and is a State subject.	
43	Babilayana No. 19 ...	Isher Das ...	Baisakh 1949 ...	.....	.....	The real incumbent has been suspended for 2 months and he is a man of moderate abilities.	
44	Chanaur " 32 ...	Daya Ram ...	Do. ...	.....	.....	He is an old, experienced Patwari and knows his work.	

16. *Crop Statistics.*—The statement given below shows the area in ghumaons which was sown and harvested within the last 6 harvests as well as the area turned out as Kharaba :—

Statement of crops of the Jammu Tahsil Khas for the last 3 years.

Year.	Area cropped.	Kharaba.	Area sown.
Rabi 1962 ...	73473	2543	76016
Kharif 1962 ...	67843	10328	78171
Rabi 1963 ...	77720	3068	80788
Kharif 1963 ...	72131	5319	77750
Rabi 1964 ...	75991	4040	80031
Kharif 1964 ...	54712	23288	78000

The above figures show that no marked increase has occurred in the culturable area during the last 3 years. The Kharaba area during Kharif 1964 is much more than in other harvests, which is due to scanty rain-fall.

17. *Lambardari Register.*—The entries in this register are entirely wrong from beginning to end. A detailed mention of individual entries of each village of this register is likely to cover a number of pages. Suffice to say that no deaths of Lambardars were noted in it since Settlement. Under these circumstances there is now no other alternative but to open a new register for the purpose, and to complete and bring it up to date in all respects. The Governor will please see to the completion of the register, so that the names of present Lambardars may be correctly shown therein.

18. *Muafi and Jagir Register.*—The Office Kanungo has got the register prepared at the Settlement, but it is not certain that the entries regarding deaths of Muafidars and Jagirdars were ever made in this register in time, as the register of files and the files themselves regarding deaths of Muafidars and Jagirdars are not in charge of the Office Kanungo but in that of Moharrir Mal. It rests with the Moharrir Mal to give timely information of mutation in such cases to the Office Kanungo. The orders passed have not been noted in the Register; this may be done now and Register brought up to date. The Moharrir should inform Office Kanungo of all orders when passed.

19. *Inspection of files.*—On inspecting the files of the Office Kanungo it was found that two of his Bastas were lying in the Almirah of Girdawar Kahcharai. The files in these Bastas were arranged according to dates fixed for putting them up, though in some cases the dates fixed had long passed away, necessary orders had not been issued till then, nor were the orders signed by the officer concerned. Some Bastas of files were lying in the Almirah of the Office Kanungo himself. Some of the files found therein are mentioned below :—

File No. 4.—Rupchand versus Musammat Devki regarding partition of a common holding of 614 kanals 10 marlas. The case was instituted on 12th Jeth 1962. The parties are the residents of Jammu Khas. After fixing dates for hearing for over a year, the Tahsildars proposed a method of partition of the land in Baisakh 1963 to which sanction was conveyed by the Wazarat Office in Har 1963. The papers remained with the Girdawar of the circle from Har to Katik 1964. For over a year, statements of the parties are being taken to ascertain if land partition had been shown to parties on the spot.

The file has not so far been completed and is now pending for over 4 months for want of the statement of one Devi Ditta.

File No. 30, 31 and 32.—Partition cases. All these 3 files relate to one and the same party, namely Kaku *versus* Sohnun of Garhi Sango in Tahsil Khas. Division of different holdings of land is in question. These applications were filed in the Court on 30th Chet 1960, and until 30th Sawan 1964, *Fard Ragba* and *Khasra* were being prepared, to be appended to the applications, the dates were thereafter being fixed unnecessarily. The method of partition was proposed in 1964, but the file was returned by the Wazarat Office for correction of some mistakes that came to light there. The file is still awaiting correction and completion.

The File No. 10.—Partition case. (Rasila *versus* Phula) instituted on 31st Sawan 1962. It took two years to prepare the necessary papers and summoning the parties, while for a year and a half now the Patwari of the circle is being asked to attend the Court.

File No. 12.—*Re.* partition (Partab Singh *versus* Rasila). This case was instituted on 11th Baisakh 1961, and the file bears an order of the Civil Court dated Phagan 1962 to the effect that partition be postponed on account of a fresh dispute having arisen in connection with the possession of the land in question. The file is pending for over 3 years, and the dates for hearing the case are being fixed unnecessarily. It is not known when and what decision will be arrived at finally by the Civil Court. Though the partition was rightly postponed under Section 112 of the land Act, yet it was not proper to keep the file pending for such a long time, and go on fixing dates in the cases simply because the decision of the Civil Court was to be ascertained. The proper course was to file the case, when postponing partition of land under Section 112 with the remark that the parties could renew the case after decision in the matter was arrived at by the Civil Court. The files noted above are a few instances of work in the partition cases. It appears that the Tahsildars concerned have never been through the files themselves, and left the parties to the mercy of the Tahsil Amila, with the result that the parties are being dragged on innocently for the last 4 or 5 years. The cases would not be delayed unnecessarily if the Tahsildars might see the files through carefully from time to time and proceed in accordance with the procedure in force. It is a pity that a period of a year and a half is taken in summoning the Patwaris which shows that the parties had unnecessarily to attend the Tahsil Court some 10 or 15 times. This reflects great discredit on the management of the Tahsil affairs, and is certain to dissuade the unfortunate people to look to the Tahsil as a court of speedy justice.

Another file No. *nil* relates to application of Jawinda Mal, Patwari circle 13, Tahsil Jasmergarh. The applicant desires his transfer to Jammu Tahsil. The Tahsildar Jammu took his application direct, while it should have been sent to this Tahsil through the proper channel. The correspondence has been going on with Tahsildar Jasmergarh for the last 8 months in order to know if he had any objection to the proposed exchange, what has been done displays gross ignorance and bad work of the Tahsildar concerned; while Jawinda Mal Patwari really made a mistake in omitting to submit the application through his superiors which led to useless correspondence between the Tahsil offices. The Governor will please take necessary action in the matter and issue instructions prohibiting such irregularities.

File No. 5 regarding death of Jagin Muafidar, resident of Jandial, and File No. 54 regarding death of Musammam Sandwian, resident of Sohanjna, were instituted in Har 6th 1962 and Phagan 1959, respectively. The Muafi is enjoyable till the life-time of all the co-sharers. For 3 or 4 years the heirs to the deceased were being summoned, and for 8 months past, the mutation sheets are being sent up to the higher authorities and the files are kept pending sanction on the mutation sheets. In cases where the Muafi is to

continue till the life-time of all the co-sharers recommendation for the resumption of the Muafi can be made at the extinction of a branch of a family or at the death of all the co-sharers. In the cases in question the mutation sheet was to contain a recommendation for the exclusion of the name of the deceased from amongst the Muafidars; it is not understood why it took 3 or 4 years to summon the heirs of the deceased. Further it is not understood why the original files are kept pending when statements recommending exclusion of the name of the deceased in each case have been sent up to higher authorities. Moreover, it is an absolutely wrong procedure to keep the files so long waiting for sanction of the higher authorities to the mutation sheets, when no such sanction is being accorded nor has any intimation of the sanction been sent to the Tahsil so far.

The following disposed of files of alluvion and diluvion cases were found with the Office Kanungo:—

Sambat year.	No.
1954	6
1956-57	18
1957-58	35
1958-59	40
1959-60	13
1960-61	57
1961-62	23
1962-63	29
1963-64	27
Total	248

This shows that for the last 11 years up to date 248 decided files have not been sent to the Record Room. It is apparent that either the Kanungos concerned could not realise what the record room was meant for, or the files were intentionally detained. This is due to negligence on the part of Office Kanungo no doubt, but the Tahsildars concerned are also not free from blame in this respect on account of the carelessness on their part in neglecting to inspect their office and to attend to consignment of such files. The files may now be arranged at once and sent to the Record Room. The Governor's particular attention is drawn to this matter.

Of 29 disposed of files for 1965, 15 are not arranged. The present Kanungo should arrange and send them to the Record Room.

File No. 18, began with Wazarat orders dated 17th Poh 1965 regarding realisation of Abiana on the villages commanded by the Jogi Gate Canal; and file No. 90, dated; 16th Har 1953 regarding grant of Taccavi advance to one Lal Singh of Satwari for the construction of a Khul. These two cases were instituted in the Wazarat office, and the files are lying uncared for in a basta of the Tahsil Office Kanungo together with certain other miscellaneous papers which should have been placed on respective annual miscellaneous files. Though both the cases originated in the Wazarat office, yet no enquiry, &c: concerning them was made within the last 12 years. This is due to great negligence and carelessness on the part of Wazarat officers as well as the Tahsil officials. The Governor will please enquire fully into and take necessary action in the matter soon.

11. Files regarding remission of revenue on account of shortage of water supply during 1963 are kept duly arranged. The Kanungo has by mistake entered them in the index as decided during 1963, though no sanction of remission has been received. Now since 16th Katik 1965, these are pending correction of certain mistakes pointed out by the Governor's office. Similarly, 43 files regarding compensation for land which came under Canals or Nallahs are also pending: though the Tahsil reports were recorded in each case in Har

1965, yet they have not been so far sent up to the Wazarat Office, nor do they bear any order of Wazarat office. These are now lying with the Kanungo for re-check. So is the case with 32 more files regarding compensation for land which came under Shah Nahar. These files are also lying with the Office Kanungo for the purpose of check. The Governor will please see that if these files are not to be made over to the Extra Tahsildar, necessary action is taken thereon by the Tahsil officials as soon as possible.

Some miscellaneous papers 61 in number, that concerned the Office Kanungo, were found lying in the grazing Girdawar's Almirah which is now placed in charge of Office Kanungo. Orders for putting up previous correspondence and report were recorded on these in Har Sawan, Assuj and Katik 1965. As a result of carelessness on the part of the Kanungo, these papers are lying unattended to.

20. *Wasil Baqi Nawis*.—The Wasil Baqi Nawis is in charge of the files relating to writs of demand and Taccavi advances. He is also in charge of the files relating to sale of contracts and the realisation of contract money and other miscellaneous balances.

21. *Revenue Demand*.—The following statement will show the demand for the last three years and the balance to be realised and the reasons for outstanding items :—

Year.	Demand.	Realized.	Balance.	Remarks.
1962—63	1,98,627	1,89,898	8,729	Irrecoverable balance ... 4,477 0 0 Suspended ... 271 12 0 Villages ... 1,236 3 3 In course of realization ... 2,744 1 0 Total ... 8,729 0 3
1963—64	1,98,113	1,85,378	12,735	This balance is due to bad villages and also on account of deduction for Jagirdars and for lands which came under a canal or a river.
1964—65	1,98,492	1,26,313	72,178	Most of this balance represents suspensions duly sanctioned, which amount to Rs. 50,092 13-6 The remaining amount Rs. 22,085-15-0 was not realized on account of drought and poor yield. This is in course of realization.

22. *Grazing dues*.—The grazing demand of this Tahsil is included in land revenue, but the amount realized on enumeration and that collected from Khanabadoshes (nomads) during the last 3 years is given below :—

Year.	Amount realized.
1962—63	... 1,320 9 3
1963—64	... 1,078 1 6
1964—65	... 1,004 13 6

23. *Taccavi Advances*.—No need for the Taccavi advance was felt in this Tahsil during the last 2 years, but Rs. 5,365-2-9 were advanced to the Zamindars for purchase of seed on account of drought during Kharif 1964 and Rabi 1965. Sanction has now been received to the advance of Rs. 4,000 more for purchase of bullocks, of which Rs. 2167 have been given to 147 villages as applied for by them and the money is placed in deposit in the Treasury and will be soon distributed amongst the villages.

24. *Writs of Demand and Talbana Fund*.—The specimen of form used for the purpose is not suitable. It does not show the name of the officer issuing writs, to whom writs issued, and for what purpose. The Governor will please consult the Punjab form and report if he would like the same. The present form

is not quite suitable but has been invented by the necessity felt by Tahsil officials. The following Statement will show the number of writs of demand issued from the Tahsil and the amount of income from Talbana :—

Year.	Number of writs issued and the income from Talbana.		Realization.	Balance.	Remarks.
Balance of previous years	...	35 12 0	.....	35 12 0	The files are under disposal and the amount is in course of realization.
1962—63	132	249 0 0	242 4 0	6 12 0	Do.
1963—64	300	225 0 0	220 10 0	4 6 0	Do.
1964—65	245	183 12 0	143 4 0	40 8 0	This balance could not be realized on account of drought.

25. *Realization by coercive processes.*—The following Statement will show the number of files regarding Coercive processes for the last 2 years and the amount realized by these measures :—

Year.	No. of Files.			Amount realized.	Remarks.
	Instituted.	Decided.	Balance.		
1963—64	265 0 0	160 0 0	105 0 0	12,272 0 0	.....
1964—65	67 0 0	20 0 0	47 0 0	9,200 0 0	The number is less on account of grant of suspensions.

26. *Contracts.*—The number of contracts sold by auction in this Tahsil are 30, of which some are disposed of through the Tahsil, while others are auctioned away direct by the Wazir-Wazarat or the Governor. These contracts concern mostly gardens and ferries. The following Statement will show the income from the contracts for the three years :—

Year.	Demand.	Realized.	Balance.
1963	5,562 2 0	5,396 2 0	166 0 0
1964	8,677 0 0	8,247 7 0	429 9 0
1965	9,185 7 9	4,037 3 9	5,148 4 0

27. *Dharmarth villages.*—There are 5 Dharmarth villages of this Tahsil, revenue of which is realized through the Tahsil, and credited to the Dharmarth Department. The annual Jama of each village is as below :—

Kaniala	...	760
Dhaniwal	...	334
Soi	...	750
Sambali	...	870
Dewri Koya	...	289
		<hr/> 2,943

A file regarding realisation of arrears of revenue from Hari Chand Halwai (sweetmaker) is pending with the Wasilbaqinawis, bearing only orders that the file be made over to the Wasilbaqinawis. Such orders on files regarding realization of arrears of revenue merely show carelessness and ignorance of the officer concerned, whereas the proper course in such a case was to summon the defaulter on a fixed date and to ask him for payment. Proper attention should be paid to such matters in future.

The Khatauni with the Wasilbaqinawis has no column for the name of a Lambardar, but there is one for the name of the person who brings the money whether he be a Lambardar or anybody else. Apparently, there can be no objection, if the name of the Lambardar concerned be also entered in a column provided for the purpose. The Governor will please see to the suitability of the addition suggested, and issue orders to all the Tahsils accordingly.

The Jagir dues are entered in red ink in the Khatauni, but no receipt for the payments made to Jagirdars is taken from them; this omission is likely to lead to complications. The Governor will please see how far this procedure is correct. It is not known why Rs. 275 are entered as balance of Nazarana for the Jandrah Jagir. The Governor will please see on what account and since when this amount is being shown as balance and what arrangements have been made to effect recovery thereof.

Only one copy of the Khatauni demand has been received in the Tahsil for purposes of realizing Abiana, and the Patwaris are required to make another copy of the same to enable them to enter the Abiana in the Dhal Bachh. This procedure is not proper, I think. The Governor will please move the Canal Department to send duplicate copies of such demand sheets so that one copy may be retained in the Tahsil office and the other given to the Patwaris concerned. The Revenue Department will thereby be relieved of unnecessary burden thus imposed upon them.

30. Grazing Girdawar.—The Grazing Girdawar was formerly Gopal Das who is said to have been transferred to Governor's office appointed there as Ahlmad Tauzih, no one is, however, put in as Girdawar Grazing as yet. The keys of the Almirah are with the Office Kanungo who has done nothing beyond keeping charge of the keys.

Some miscellaneous papers, 88 in number, were found in Basta which did not apparently concern the Girdawar. Some of these papers pertain to the period so far back as 1953, while others are of recent date only. The Tahsildar should take necessary action on them all.

In another Basta, lists of enumeration of cattle from 1959 up to 1964 are lying in confusion. Such lists should have been dealt with according to the standing instructions on the point. Receipts Forms issued to the cattle owners are lying since 1959. The proper course was to file each year's papers separately, properly arranged after they were no longer required. It is not proper to keep them in the office as waste papers. One file may now be made up of all these forms and may then be consigned to records; for the future, such files should be prepared separately for each year.

There are 10 files and some papers bearing orders to put them up in the presence of the Lambardars, defaulters etc. concerned, since Assuj 1965 they are lying without any action uncared for in a *basta* of waste papers. It appears that none has seen to those files since after the transfer of the Girdawar. When the post of the Grazing Girdawar does exist, the Governor should have arranged to replace Gopal Das immediately on his transfer, to avoid accumulation of arrears.

There are some blank forms and registers which are lying as mere waste. They should be duly arranged and put in safe custody, registers no longer required being sent to the Record Room.

31. Judicial Moharrir.—Inspection of the work of the Judicial Moharrir did not appear to me to be necessary, but for the fact that this

Moharrir had, as I was informed, got a number of files concerning the Revenue Department. It was found on inspection, that he had got 48 files regarding sale of Nazool Shops at Jammu. A Wazarat order dated Magh 1964 directs re-sale of the shops without delay; despite the urgency expressed, this order is lying unattended to so far, the files having been put away in a basta. No officer took the trouble of seeing these files carefully through, though constant and repeated orders are being received from the Wazarat Office, demanding early report of compliance with the same. I think that the Judicial Moharrir has nothing to do with these files, and this is one reason why the files have not been properly disposed of. When there is a separate Moharrir Mal to see to these files, the Tahsildar should at once make over these files to him and necessary action should be taken in each case without further delay.

Similarly, 6 files regarding cost of Pauper suits decided during 1962-63-64, together with 236 current files regarding realisation of costs in Pauper suits, are lying in a very deplorable condition. Some of these files bear orders of 1963, while others of 1964, and none has seen to them afterwards, such a treatment of current files is very discreditable to the Tahsil officials and shows the disgraceful state of affairs. These may now be made over to Moharrir Mal for early disposal. The Governor will please report the name of the Tahsildar concerned, so that necessary entry regarding his bad work may be made in his character roll.

12 miscellaneous decided files of 1964 are lying without being arranged. All the decided revenue files with the Judicial Moharrir should at once be properly arranged and sent to the Record Room.

7 files relating to disputes on Forests and Rakhs are also lying in the Almirah of this Moharrir. These files also bear no order since 1963 and 1964, which shows gross neglect and want of supervision. The Tahsildar should take necessary action on each case without further delay.

89 miscellaneous papers were found in a miscellaneous bundle without any connected files or papers relating thereto. Some of them bear orders of 1963-1964. They should be placed upon connected files.

32. *Darogha Nazool.*—Bakhshi Kanshi Ram is Darogha Nazool. He is too old for any work and must retire. His papers are lying in a pretty small Almirah in the Tahsil's Court room. The registers for ground rent, wasidari and State property do exist, but only up to 1959-1960. No register was prepared after 1960, nor is any reason for the omission forthcoming. It is not understood what is used as basis for preparation of Statements of monthly Nazool income in the absence of any such registers for the last 5 years. The Statement of income from Nazool property furnished by the Darogha Nazool is given below, but I doubt the accuracy of the Statement in the absence of any registers. The Nazool shops are, however, detailed below as reported by the Darogha Nazool.

Statement showing Nazool shops and houses in the Jammu Tahsil.

Nature of property.	Occupied on rent.	Given free of rent.	In ruins.	Unoccupied	Total.	Demand of rent per mensem.
Shops ...	130	32	14	32	208	156 10 8
Houses .	12	wasidars 3	5	7	27	75 11 8

A similar Statement of income from Nazool property for the last 3 years as furnished by the Darogha Nazool is given below, which will show how much has been realised and the balance to be realized :—

Statement of income from Nazool property for the last 3 years, Jammu Tahsil.

Year.	Previous balance.	Current year's demand.	Total.	Realized.	Balance.
1963 ...	1,492 2 0	2,577 13 6	4,069 15 6	1,751 9 9	2,318 5 9
1964 ...	2,318 5 9	2,631 0 4	4,949 6 1	1,680 0 3	4,261 5 10
Baisakh to Assuj 1965 ...	4,261 5 10	885 9 6	4,146 14 4	222 6 9	4,924 7 7

I am not quite sure of the correctness of these entries which are based on no reliable material in hand. But supposing that these entries were correct, it is startling to note a balance of about Rs. 5,000 which is still to be realized on account of rent on State property the more so when no file exists in the Tahsil, which may throw light on the realization of this rent. It merely rests with the Darogha to realize the rent in time or hold it over. It is wonderful that such a bad state of affairs has gone on at Head quarters. I would like to know the figures of income from Nazool property for the last ten years and also the demand and balance due from each person.

I shall also feel obliged if the the Governor will please let me know the sources of information on which the required Statement will be based. Similarly, a detailed Statement of Nazool property should come in, showing the following particulars:—

- (1) If the property is given as Muafi, since when and by whose order.
- (2) What is the monthly rent and by whose order it was fixed.
- (3) Whether any addition to, or reduction from, the rent can be made according to the present circumstances.
- (4) Name of persons who hold lands on ground rent and the annual income.
- (5) Name of persons who hold property on wasidari, since when and the authority for the same.

Reasons for the balance and the name of the defaulters should also be given in the Statement of income to be furnished for the last ten years. It should also be stated why the balance was not realized in time.

Similarly, a Statement of expenditure on account of repairs should be submitted for the last ten years.

The Governor will please see that Nazool property is properly managed in future, and the required registers are kept correct and completed in time.

185 files regarding Auction of Nazool shops are lying in the Almirah of Darogha Nazool, no action has been taken on these since 1962. In spite of urgent reminders from this office, false reports are being made to this office that necessary action in the matter is being taken regarding auctioning of the shops, whereas the files are lying shut up in the Almirah of the third man.

33. *Forests under Revenue Department.*—22 Guards at Rs. 6 each, 2 Head Guards at Rs. 7 each and 2 Foresters at Rs. 15 each look after the forests which have been added to the forest in charge of the Revenue Department. Conservation of the Rakhs, so far as it has come to my notice, has not been attended to satisfactorily, and although the people are permitted to bring dry wood for sale into Jammu town, yet green wood is also felled by them in collusion with the Rakh guards, I have often drawn the attention of the Governor to see that green trees are not ruthlessly and wantonly destroyed.

Permits for cutting timber are issued from the Tahsil on receipt of fees, but there have been cases where members of the Military Department have cut away forests with impunity for their daily supply of fuel. I brought to the notice of the Commander-in-Chief some cases of the kind, but the damage done was irreparable.

Statement showing income for three years from the various products of forests in the Jammu Tahsil under the control of the Revenue Department, is given below:—

Serial No.	Forest produce	1963.	1964,	1965.	REMARKS.
1	Fire wood ...	1,485 0 0	1,620 0 0	1,255 0 0	
2	Leaves of the "Blungar" tree (Jammu city) ...	675 0 0	555 0 0	535 0 0	
3	Charcoal ...	54 0 0	55 0 0	25 0 0	
4	Rasum for collection of leaves in the "belas" ...	70 0 0	100 0 0	57 0 0	
5	Contract for collection of flowers	95 0 0	150 0 0	95 0 0	
6	Contract for trangar Mal ...	73 0 0	60 0 0	60 0 0	
7	Contract for grass of Rakh Chowali ...	88 8 0	125 0 0	180 0 0	
8	Contract for lac grass Rakh Beli Topa ...	50 0 0	80 0 0	58 8 0	
9	Sale of firewood ...	654 8 6	111 14 0	131 0 0	
10	Sale of Santha and Babehar ...	17 15 6	37 15 3	6 13 9	
11	Sale of the "Naghzak" tree (mango) jungle Ranjan ...	2 8 0	2 8 0	1 8 0	

Some of these minor contracts are very troublesome to the poor people, and it will be a good thing if they were abolished. They bring very little as would appear from the figures given above, and the people feel easier if they are done away with. They don't pay the cost of collection even and cause unnecessary harrassment to the poor; I would advise their abolition.

The new Governor may go into the question and report about their working for orders of His Highness.

As mentioned above, there are 2 Naib-Tahsildars in this Tahsil now since about three years. Work done in Sirdar Mohammad Akram Khan's division was checked with the following result:—

34. Work and Office establishment of Naib-Tahsildar Sirdar Mohd. Akram Khan.

Judicial Moharrir is Ata Mohammad Khan who also works as Revenue Moharrir. The Naib-Tahsildar attends to completion of reports in cases that are transferred by the Tahsildar to him for local inspection &c. The Moharrir had 59 files in his charge, which were ordered to be put up in camp for inspection of localities concerned. It appears that some of these cases were not of such a nature as to require their being put up for enquiry on the spot; transfer of such cases to the Naib-Tahsildar was not well advised. It was alleged that the number of chaprasis being insufficient for service of summonses, &c., the files were kept pending for investigation on the spot. This explanation does not appear to be reasonable. The Wazir-Wazarat may please see to all these files and issue orders for necessary action being taken in such cases as can be disposed of without local inspection.

The Naib-Tahsildar has no Revenue cases. Orders were issued to give them powers, but they do not appear to have been carried out yet. Inspection of files pending in the Naib-Tahsildar's office shows that the following called for remarks :—

File No. 20 instituted on 13th Jeth 1958. It appears that 57 kanals 16 marlas had been broken up by one Gujar. This office ordered on 26th Maghar 1962 that land Revenue should be recovered from the person who brought the land under the plough, since Rabi 1957, and that he should be now dispossessed of the said area. So revenue amounting to Rs. 84-4-0 has been realized from him up to Kharif 1962, but he has not been dispossessed. Now some persons have applied for allotment of an area including the one referred to above for purpose of cultivation. Orders are being consequently issued for preparation of Shajra and Khasra of the plot applied for, while the proper procedure to be adopted in the case was to realize arrears of land revenue from the original cultivator as noticed above, and after they were dispossessed of the area, to start a file separately relative to the fresh application now pending and take necessary action thereon. It may be noted that Diwan Shah Patwari has not been able to submit a new Shajra and Khasra, although orders were issued to him 4 months ago. This inordinate delay is due to carelessness and negligence on the part of the Patwari. The preparation of a new file also shows that the new application was got up most probably at the instance of the Patwari. The Tahsildar should enquire into this.

This file opens with a report of Mathra Das Girdawar Kanungo to File No. 72 (instituted on 10th Chet 1963.) the effect that the Assamis of village Anb had brought some area under plough with permission of the authorities. The action that has been so far taken in this case, is that the Patwari is being repeatedly asked to submit Shajra and Khasra of the said area, while it appears that a file relating to the same area is pending with the Tahsildar as well, which relates to the dispute between the Mians and Narsingh Das, and the Governor perhaps has passed orders dispossessing the persons who broke up the land and imposing on them the Jama previously assessed on the area. Enquiry should be made from the Tahsildar's office and the case dealt with in one office.

This file relates to acquisition of 3 shops in Namak Mandi belonging to Musammat Har Devi for widening of the Jammu road. Case No. nil instituted on 10th Assuj 1962. It appears that no compensation has so far been given to the proprietor (Musammat Har Devi). The last order of the Governor dated 30th Katik 1965 required submission of the case completed in all respects within a fortnight. The file contains two orders for attendance of the applicant with a view to her statements being taken down, but these orders do not appear to have been issued. Recording orders on the file without issuing them can be attributed chiefly to the sheer neglect of the Moharrir concerned. This undue delay in the service of summonses in Jammu town itself deserves special notice.

This file opens with a complaint made by Rupa and others against Amrik Singh Patwari. The complainants were being summoned for about 5 months till Bhadon 1965, and now evidence is being called for to substantiate the allegations made, while no orders for the attendance of parties have so far been issued, and only dates for hearing are being changed and noted on the file. It is objectionable to write down orders without getting them complied with. File No. 47 [instituted on 25th Chet 1964].

This file relates to the decision in the case of Rangila Chamar of village Keki. The applicant is being summoned in order to be informed of the order passed by the Governor. This procedure followed by the Tahsil office is wrong. Intimation of the order passed should be communicated through the Tahsil chaprasi, and the file consigned to the Record Room forthwith. File No. 3.

This file was started on 3rd Har 1965 on a Robkar received from the Dharmarth Department, enquiring from the Tahsil about the property of one Lassu Kashmiri. The Tahsil office has recorded orders referring to the Municipal Committee for the informa- File No. 97.

tion. No orders have really been issued from the Tahsil office as yet. If the Municipality is to find the information, the Dharmarth Department could make a direct reference to the Committee without the intervention of the Tahsil. Reply to the Dharmarth Department should have been sent without delay if there was no property of Lassu in Jammu town or Tahsil. To fix dates after dates without issue of orders for appearance &c., is very objectionable.

A file is pending since 1956 relative to a sum outstanding against Ganda Mal contractor of ponies, for Jammu town. This sum was originally estimated to be Rs. 97, but afterwards it transpired that he had to pay Rs. 105 and not Rs. 97, and although an order was also issued from the Tahsil office, for realization by attachments, of a pony and a tum-tum belonging to the defaulter, yet the arrears have not been recovered so far, notwithstanding the fact that the man lives in the Jammu town. The arrears, which it has taken a period of 9 years to liquidate, should be recovered without delay by having recourse to severer processes.

There is a file containing correspondence to the effect that Dewan Pandit Daya Kishen Kaul Sahib Private Secretary to His Highness the Maharaja Sahib Bahadur had constructed a Dharmsal over a plot of land near the Gummat Gate without obtaining permission to occupy the land. In Har 1963, this office enquired about the conditions of the acquisition and also asked for Shajra and Khasra of the plot, but the order has not been complied with so far about 3 years ago. It was not right to keep this file pending with another file of one Brij Lal who also applied for the same land, but should have been dealt with separately and a report submitted to this office through the proper channel.

An intazamia fine of Re. 1 was inflicted on Manohar Nath Lambardar of Rajpura in Katik 1964. The sum has not been, however, recovered as yet. On the Lambardar having been asked to account for it, he produced a receipt dated Poh 1964 of Hari Ram Chaprasi. Now Hari Ram who is resident of Jammu is being summoned since then. This procedure is absurd. In Poh 1964, there was no Chaprasi named Hari Ram in the Tahsil office as a reference to the Acquittance Roll of the Tahsil shows. It appears that the receipt produced by the Lambardar is a forged one. The Lambardar should be called upon, at once to pay up the fine which should be remitted into the Treasury and then the case filed. But, if it is found that Hari Ram was really a State servant and the receipt produced by the Lambardar was given by him, he should be criminally proceeded against for misappropriation.

This file was instituted on 24th Jeth 1965 on an application filed by Shib Shankar Pujari of the temple of Maharani Sahibah Kaluhri situate at Mahalla Jullaka, Jammu for acquisition of land. A notice was issued in Bhadon 1965, after Shajra and Khasra had been drawn up. No action appears to have been taken after that. Now when it became known that the office was shortly to be inspected by me, an order was recorded by the Naib-Tahsildar on 10th Maghar 1965, bringing to the notice of the Tahsildar the non-compliance with, and asking for, further instructions. Proper action should be taken on each case at the proper time, and the Naib-Tahsildar who has not much to do, could easily make a note for inquiry about such cases in his Pocket Book.

Mian Anant Singh resident of Top Sarkhania is being informed since Chet 1963 that his application was rejected. This is not the right procedure. Anant Singh should have been informed of it as required by law and then the case filed. There was no need to keep the file pending for 2 years for such a purpose.

This case was instituted on 10th Magh 1963. Karam Singh Jagirdar of Raipur did not furnish service of seven Sawars in lieu of his Jagir. Notices are being issued for his attendance, but he has not put in his appearance as yet. In Har 1965 an urgent notice was served, fixing 23rd Har as the date for hearing the case;

after that the file was not put up. An order dated the 22nd Katik required issue of reminder which has not been issued so far. It is highly objectionable to keep pending for such a long time an important Jagir case involving contravention of terms of grant. It is further open to serious objection to keep a case without any orders for months together. Urgent orders should be issued to the Jagirdar to appear, and if he fails, a report should be submitted to Wazarat office, so that necessary action may be taken according to the conditions of the grant.

The case relates to an application of Ram Dayal Jhiwar for acquisition of a piece of land. Orders are being passed since Sawan 1965, but none issued so far. All this shows great lack of supervision in seeing to order being carried out. There are three files of embezzlement pending against the former Moharrir Mal Pandit Sant Ram. In one case, iron girders worth Rs. 25 belonging to Seth Gobind Ram were put to auction, but the Moharrir misappropriated the money. The other file shows that he embezzled Rs. 5 the amount allotted for repairs to the School building at Kahna Chak. The third file shows that he misappropriated Rs. 3-8 being the sum deposited on account of Sheru Barber. Sant Ram is being prosecuted criminally, but proceedings for recovery of the amounts have been stayed without any good reason, as an order of the Wazarat office dated 19th Sawan 1965 on the file of Sheru Barber requires recovery without paying any heed to the defence of the Barber. In the first place, orders are disregarded, while those which issue, are not at all carried out by the Jamadar who is ever ready with a report that compliance therewith cannot be made on account of limited number of chaprasis. This may mean that fictitious orders are being recorded on files without any intention of the same being issued. The Governor will kindly take necessary steps to remove these defects.

The other Naib-Tahsildar is Lala Gian Chand a temporary incumbent Office of Lala Gian of the post; he was formerly Office-Qanungo at Bhimber Chand Naib-Tahsildar. Tahsil. This additional post of a Naib-Tahsildar was originally created to assist Tahsildar, Mirpur, but the Naib-Tahsildar has been, for some time past, put in here to help in disposal of urgent business, as there was not much to do at Mirpur then. I hear that mutation work at Mirpur is in arrears, and it may be necessary to re-transfer the Naib-Tahsildar there. Governor may please report on this point. Pars Ram Moharrir Mal who does the Peshi work of this Naib-Tahsildar, gets his pay from Mirpur Tahsil.

I found 40 files in this office, bearing orders for their being put up on the spot. Of these, there are a good many which did not apparently necessitate local inspection. It is not proper to keep files for local enquiry without taking notice thereof for months together. The Wazir-Wazarat should, therefore, see to these files keeping for local enquiry—such cases as cannot be otherwise disposed of, and ordering for the proper disposal of the rest without any further delay.

This Moharrir keeps no Peshi Register or any other register except a miscellaneous one. He has got one Issue Register which is not bound; the entries have been made carelessly and inattentively. The summonses which are issued, are not brought on the Dispatch Register, it cannot, therefore, be ascertained whether the orders that are recorded on the files, are really issued. The ordinary system of writing "Nawishta shud" with date and signature is not followed. This should be insisted upon. A file book is kept since 1961, but it is unbound and without index; it is kept up in the form of a file of loose sheets. 63 miscellaneous papers of 1964 and 1965 bearing orders for their being put up with connected files, were found among waste papers without any action taken thereon so far. It is not right to put away indifferently and carelessly. Disposal should be attended to in time.

Many old disposed of files kept by this Moharrir, were found to have been not properly arranged and entered in the Register of files. My inspection of these cases showed that the Moharrir has kept with him the following

number of old disposed of files:—

For 1963	...	38
„ 1964	...	117
„ 1965	...	41

It thus appears that Circular No. 27, dated 26th Bhadon 1958 has been lost sight of altogether, otherwise these papers ought to have gone to the old records properly arranged, immediately after disposal.

217 miscellaneous files are pending in this office. Of these, there are many which, have not yet been indexed or entered in any register. The files are kept by the Moharrir in a very wretched condition. Orders are not attended to on proper dates. The Moharrir concerned wakes up after a long sleep, and then records fictitious orders without any intention of getting them acted upon. A few instances are given below, of the manner in which these cases are dealt with.

Started on the death of Fattu and Lachman Muafidars of Chanor.
 Case No. 51. The case was instituted in Har 1959, but no report has still been submitted regarding the Muafidars' death. It is highly objectionable to delay cases concerning death of Jagirdars for such a long time.

The same remarks apply to file No. 17 relative to death of Ragho Das Mohant of the Kundi temple pending since 1959.

Regarding partition is pending since Bhadon 1960. Wazir Nadhana
 File No. 5. filed a petition for partition (against Lachhman and others', The method of partition was sanctioned in Sawan 1963, but no partition has still been effected on the spot, full five years having thus passed by since this case of hardly any complicated nature was instituted. Such a grave carelessness and inattention displayed by the Tahsil officials and Moharrirs in the conduct of State business, is sure to harass the public to a considerable extent.

Instituted on 10th Magh 1952 and disposed of on 17th Har 1954. It
 File No. 73. relates to the complaint of Muhkam Shah against Prem Singh for possession of the produce of land worth Rs. 31-13-6. The case was decided more than 10 years ago, but the file has not been consigned to old records. It was found lying in the office. There are certain cases which were ordered to be put up on dates fixed for them in the month of Maghar; this was not done, and now orders changing the dates are being recorded in these cases.

Mira Lambardar filed a complaint, stating that the Patwari had not
 File No. 92. explained revenue accounts to the Assamis. An order dated Katik 1964 required the case to be put up in camp; but nothing was done until Katik 1965 when an order for summoning the Assamis concerned was issued. Such an order could have been passed long before Katik 1965.

The Lambardar of village Mukwal died 4 years ago and the work of Lambardar is carried on by one Sohda. Enquiry is now being made as to how and under what orders the man is working as Lambardar. It is surprising to note that the Tahsil authorities should have no knowledge of the death of a Lambardar for full 4 years. The Governor may please see if Sodha has been appointed as Lambardar under proper authority.

Regarding recovery of Rs. 85 from one Moti Jat, is pending since
 File No. 47. 1960. No recovery has, at all, been made during a period of 5 years, due to the neglect and inattention of Tahsil officials.

Instituted on 5th Bhadon 1959 on the complaint of the Private
 File No. 65. Department that area No. 134 situate in Rakh Bahu was entered by mistake, in the name of Lal Singh. His Highness had ordered for the necessary correction being made. The file of

this office which was sent to the Tahsil, should be returned. The Governor directed that a report be submitted after necessary correction if the entry had been made, but the Naib-Tahsildar ordered for the file being consigned to the record room after mutation was recorded. The Governor may see whether or not any further action is required in this case.

13 files regarding appointment of Chaukidars on which the Naib-Tahsildar issued orders of appointment, subject to the approval of the Tahsildar, were consigned to the Record Room without the same having been sent up to the Tahsildar for sanction, the Naib-Tahsildar having no power to appoint Chaukidars. Many Registers pertaining to the period going so far back as 1954, are lying confused up among waste papers. They are apparently required no longer. The Tahsildar should see that such registers as are not wanted any longer are sent to the Record Room.

A great many of the Jinswar and Khasra Girdawari Forms were seen lying among waste papers. The Office Kanungo who has charge of these forms should count them up and keep them in proper custody.

52 papers which came in from 1st to 17th Maghar 1965, have had no action taken thereon upto 28th Maghar, they are lying any how.

The irregularities noticed in the service of summonses in this Tahsil are most marked. The only explanation offered is the Defect in the service of summonses. inadequate number of Chaprasis. The explanation may be true to a certain extent as the Transport work is heavy in this Tehsil, but the mode of assigning duties to Chaprasis and supervision of their work by Tehsil officials are totally defective, and require immediate attention. A good deal of energy and time of officers is wasted for want of a proper working of the service agency. The Wazir and the Tahsildar be requested to give the matter their serious consideration and to arrange for effective removal of the existing defects, and for proper conduct of business in future. If the present number of Chaprasis is too small to adequately cope with the work, proposals for increase in their number should be sent up duly supported by facts and figures.

Note—This has been done since and some Chaprasis will be added to the present staff.

General Remarks. The general state of the Tahsil work, as has come to my notice, is far from being satisfactory; due partly to the carelessness and inattention of the Tahsil staff and partly to want of supervision on the part of Tahsildar and Naib-Tahsildars concerned. Lala Mathra Das, Tahsildar, an energetic official, has now been posted to the charge of this Tahsil, and may effect great improvement if he will but inspect all his office work once a month as was ordered to be done in every Tahsil some years ago.

(Sd.) BHAWANI DAS,
REVENUE MINISTER,
Jammu and Kashmir State.

PRE-INDEPENDENCE POLITICS OF JAMMU- A
AUTOBIOGRAPHICAL VIEW

By Gopal Dutt Mongi

The first regular political stir which ultimately became violent, is known to have started in Jammu and Kashmir State in 1931, mainly instigated by the British India Government following their strained relations with the Maharaja of the State.

Thereafter a Commission of Enquiry headed by the British Political Officer and named Glancy Commission after him was set up. Hindus of Jammu boycotted it on account of its communal terms of reference. Their nominee on the Commission, Pandit Lok Nath Sharma, Advocate resigned from it.

As apprehended, the Glancy report recommended communal representation in service and separate communal electorate for the newly proposed State legislature. This was a signal of the first protest movement by the Hindus of the State against the government headed by a Hindu Maharaja.

Among those who led the protest in Srinagar and were arrested included Pandit Keshab Bandhu (later a colleague of Sheikh Mohammad Abdullah) and Pt. Jia Lal Kilam advocate (later a judge of the State High Court.)

I made my debut in public life by joining a protest procession against the report in the third week of May 1932 as a youth leader and defying section 144. I was sentenced to four months rigorous imprisonment. Sarlar Mohinder Singh who was dictator of the movement however got a sentence of six months and all other were sentenced to two months imprisonment.

I had then taken the intermediate examination of the College. The movement fizzled out and I was released after completing my full term, when I resumed my studies.

The next movement in which I participated actively was known as Go-Raksha (Cow protection) agitation. In 1936 a sinister attempt was made to dilute the provisions of Cow protection Act,

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which prescribed maximum punishment of ten years imprisonment for killing a cow or its progeny.

In one case, the state High Court ruled that as the act of cow slaughter was committed at night and secretly, the sentence be reduced to one year. The ruling offended the religious sentiments of the Hindus of the State. But the High Court Bench comprising Justice Abdul Kayum and Justice Wazir Jankinath rejected a revision petition against it. Thereupon, an organisation called "Hindu Sikh Naujawan Sabha" was formed in June 1936 with Sardar Dilar Singh as the President and myself as its General Secretary, to fight out the issue. The agitation spreaded like a wild fire throughout the Jammu region. People from every part of it offered satyagraha. Soon all jails and sub-jails of the Jammu region were full. All office bearers of the organisation were arrested and sent to far off jails. A general strike, first in the history of the State, continued for 36 days. The agitation was withdrawn on the interventions of Pt. Krishan Kant Malvia, a nephew of Pt. Madan Mohan Malvia and a member of the central assembly. Maharaja of the State who was in Europe at that time returned and issued a royal proclamation declaring that the controversial judgement of the High Court would not be treated as a ruling and the concerned law in its original form shall continue as such.

Jammu and Kashmir State has passed through many political upheavels and changes since then, but on account of this agitation, no State government has ever dared to challenge, amend or dilute this standing law on Cow slaughter.

I was elected President of all Jammu and Kashmir Rajya Hindu Sabha in the first Hindu conference called after the agitation for Cow protection.

In 1943, there was a spurt in food grain prices due to war time scarcities. Political parties organised protest meetings against this rise in prices. But the government response was negative. Thereupon, a big public meeting of all communities was organised which was addressed by leaders of all political parties of the State and followed by a big procession in Jammu city. Leaders of all parties including Muslim Conference Congress party, National

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Conference and Akali Dal choose me to lead the agitation in an organised manner. Inspite of the provocation by the local administration and growing anger of the people, we managed to keep the agitation peaceful.

However, in the same evening I along with a colleague Kaviraj Vishnu Gupta was arrested for organising this protest after I had resigned my membership of the State Advisory Board for holding price line of essential commodities which had been formed under the chairmanship of the Revenue Minister of the State Shri Hukam Singh Maheswari.

This further provoked the people and a police jeep and a truck were burnt down by the agitated mob. On the next day Government resorted to unprovoked indiscriminate firing when volunteers were going in procession to court, arrest who were followed by a big procession of all communities. Seven people, five Hindus and two Muslims were killed in this firing besides causing injuries to many. Firing was so indiscriminate that people were fired at and killed even in nearby lanes. This raised a great furore not only in the entire State but also in the adjoining areas of Punjab. The Government was forced to institute a three Member Enquiry Commission headed by Justice Madgaonkar, a retired Chief Justice of the High Court, Justice Sen a retired Judge of High Court and also a sitting judge of the State High Court Justice Qazi Masud Hassan. Public demanded my release from Jail as I had been unanimously elected Chairman of the public defence Committee with Mr. Allah Rakha Sagar, the General Secretary of the State Muslim Conference, as its General Secretary. This Committee was formed to place before the Commission all facts and evidence in connection with the police firing. The State Govt. after great hesitation released us. Dr. Saifuddin Kitchloo, bar-at-law and a famous nationalist leader of Punjab was engaged to fight out the case. Of course prominent Members of the local bar Association including Ch. Ghulam Abbass, Advocate, President Muslim Conference and others assisted Dr. Kitchloo in presenting our case before the Commission.

After prolonged enquiry, the public stand was vindicated and the concerned Officers were found guilty of excesses and unprovoked firing. The District Magistrate and the Police Chief of

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the region were censured for providing poor leadership, the magistrate on duty was prematurely retired, Mr. Raghunath Kaul, A.S.P. and concerned police staff were dismissed from service and a relief of Rs. 5000/- was given to the families of each of those killed.

Soon after this I had to take part in another local agitation. There was a jagir consisting of about 50 villages in Jammu Tehsil where Rajput Jagirdars of Jindrah used to get their share of produce in kind from cultivators as revenue. This system was much abused as jagirdars would enter the houses of cultivators unannounced and search their houses demanding even half of the vegetables they were growing for their own use in a marla or two near their kitchen.

Peasantry was awfully poor and exploited. Indeed they were the poorest in Jammu district. I visited these villages several times and organised them in a Kisan Conference. Pt. Nek Ram, a local worker was always with me. In this Conference it was decided to ask the jagirdars and the administration to accept their share of revenue in the form of cash, as was being done in the rest of the State. It was also decided that they would no longer pay their revenue to jagirdars in kind.

Jagirdars refused to accept their share in cash. They insisted on getting half of the agricultural produce. Revenue authorities tried to help the jagirdars and threatened dire consequences if the peasantry refused to give the jagirdars their revenue in kind. All the fifty or so numberdars of the jagir completely non-cooperated with the revenue authorities. This struggle continued for two years during which the peasants did not pay any produce in kind and no revenue in cash was accepted from them; ultimately the case was decided in favour of the peasants. This was perhaps the first successful kisan movement of the State.

During this period I had to visit "CHENANI" a bigger jagir, in connection with my political work. This jagir was ruled by a hereditary Raja Ram Chand who enjoyed the powers of District Magistrate, Sessions Judge, Superintendent of Police, Chief Conservator of Forests and Chief Revenue Officer, all combined in one. He was a great tyrant and had forcibly taken possession of many good agricultural land holdings including cremation grounds. He allowed no political

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activity in jagir. He would implicate people in wrong cases whenever they tried to organise themselves.

On my return from Chenani I learnt that he had instituted false cases against people who received me and helped in organising a public meeting. This naturally upset me and my colleagues.

Therefore we decided to awaken and organise people in the jagir. Jyotshi Ram Krishan, editor "Desh Sevak" a local weekly who was also a great organiser toured through every village of the jagir. He had to negotiate high mountains during his extensive tours of the jagir. Not only he collected political data of Raja's misdeeds but also succeeded in inspiring certain local cadre for the future struggle. Th. Maiya Ram and Th. Jodhu Ram and Ch. Daya Ram, Abdul Rahim and mistri Mohd Shafi were most outstanding among them. Then I also toured through-out jagir and addressed public meetings at different places.

An intensive publicity campaign was also organised against the Raja and his misdeeds. Then a political Conference was held in Chenani town in which many political leaders from whole of Jammu region participated, processions were also organised and the movement acquired a great tempo.

The Raja tried to curb this movement by arresting and publically parading the arrested local leaders in bazars to over-awe the public but this further aroused popular anger against him.

Eventually the Raja yielded and invited me for talks. I, alongwith local leaders of Chenani and few press representatives from Jammu went to the meeting. We discussed for two days and he agreed to many of our demands. But soon he turned back and refused to honour the agreement.

The agitation was started again. We organised many demonstrations. Ultimately Jammu and Kashmir government sent its Revenue Commissioner, Wazir Feroz Chand, to find out and report the facts. We met him at Batote where he had arranged for revenue records of Chenani to be made available. Sh. Jagan Nath, Advocate of Udhampur was of immense help to us. The revenue records were found to be tampered with. Many pieces of land were shown to be in possession

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of Raja incorrectly. A piece of land which was a cremation ground according to original records was also shown as Raja's property.

The Revenue Commissioner reported back to the Maharaja of Jammu and Kashmir which ended the intransigence of the Raja. The Jagir was ultimately abolished after independence.

I contested for legislature Assembly in 1946 from Jammu city and was opposed by the establishment. I was elected inspite of the strong opposition by the then Government headed by Rai Bahadur Ram Chander Kak who was in favour of independent Kashmir under Maharaja.

In 1947, during State assembly session in Srinagar all Hindu members of the State assembly, elected as well as nominated, of Jammu region / province met at my instance to discuss political situation in the State. That meeting was also attended by Sh. Ram Lal Kapoor, M. A of Muzzafrabad in Kashmir province. He informed the Members that there were reports of smuggling of arms into muzzaffrabad area from across the border with Punjab. Thereupon a memorandum was sent to the Maharaja apprising him of the situation in the border district of Muzzafrabad and requesting for an interview with him. I got a message to meet Th. Nischint Chanl brother-in-law of the Maharaja and also Swami Sant Dev, a spiritual guru of the royal family who would allay our fears. They tried to assure us that the State administration and Maharaja himself were fully alive to the developing situation and were fully prepared to meet it. They also justified the Maharaja's efforts to keep the State independent of the two new dominions of India and Pakistan. I was then asked to write a letter to His Highness informing him that I was fully satisfied after meeting Swami Sant Dev and Th. Nischint Chanl which I flatly refused.

Maharaja never cared to grant an interview to us although it had been demanded jointly by all the Hindu legislators of Jammu province. He had completely shut himself off from all public men and was completely surrounded by short sighted and selfish people.

The Jammu and Kashmir Rajya Hindu Sabha was divided into two camps. The pre-maharaja group which included Sh. Shiv Nath Nanda, Kavi Raj Vishnu Gupta and others supported his ambitions of make Jammu and Kashmir State an independent state whereas I and my

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colleagues like Jyotshi Ram Krishan, Dhanpat Rai advocate and Raizala Amarchand and others demanded immediate accession of the State to the Indian Union as soon as the country became independent.

Despite resolute opposition of our group the working Committee of the Jammu and Kashmir Rajya Hindu Sabha passed a resolution in May 1947 reiterating its faith in the Maharaja and extended its support to whatever he was doing or might do on the issue of accession.

However we mobilised popular pressure against this stand and forced the pre-Maharaja dominant group to adopt a compromise resolution in a meeting presided over by Pandit Prem Nath Dogra leaving it to the Maharaja to decide the issue of accession to India at an appropriate time.

After the State's eventual accession to India communal parties became an anachronism. We therefore, decided to merge our group with the National Conference to strength secular base of the politics of the State.

However, differences soon grew between us and the National Conference leader and the State Prime Minister Sheikh Mohd Abdullah on a number of issues, including his policy towards Jammu and his insistence that I should have no links with national leaders.

I suspended my political activities after that but resumed them when Bakshi Ghulam Mohd invited me to rejoin the National Conference in 1957. Later I had the privilege of representing my state in the Lok Sabha from 1962 to 1967.

Recalling my political career of eventful years before independence, I might clarify that Jammu region's politics was almost neatly divided in those days on communal lines and the leadership of the Hindus of the region was, in a way thrust upon me. But, while the first movement-cow protection-was a religious one and not communal, the rest of the movement had a definite secular and socialistic content in them.

Moreover, I was instrumental in bringing politics out of the Darbar to the people and insisted during the crucial controversy on the accession issue that loyalty to India was more important than loyalty to the ruler.

OFFICE OF THE PRESIDENT, ZAMINDARA UNION, JAMMU PROV. JAMMU.

No 51

Dated 4th July 1950

To

Pt. Prem Nath Ji Kanda, Dogra,
Shri ~~Gubzari Lal Kanda,~~
~~Vice President, Praja Prishad,~~
~~Planning Commission,~~
~~New Delhi.~~ Jammu.

Hono,

The enclosed copy of representation dated
20.6.50 was submitted to this office by Shri Sant Ram Ji
vakil
Bary, Member of the General Council National Conference
J & K, Jammu.

The Union fully supports the views explained
therein and expects planning of the State on the lines
laid down in it.

Yours faithfully,

Gopalbhai
PRESIDENT,

ZAMINDARA UNION, JAMMU.

Dated Jammu

the 4th July 1950.

mes 14

To

Shri R. Chandra,
Secretary,
Land Reforms Committee,
Srinagar (Kashmir).

Dear Sir,

With reference to your publication of the proposed Agricultural Plan in J & K Gazette of 15th Baisakh 2007 inviting definite suggestions on the specific important issues raised thereon and welcoming criticism in respect of its salient features by the end of June '50 I am submitting my views hereunder:-

1. In his introduction of New Kashmir Sheikh Mohammad Abdullah, the Hon'ble Chief Minister has declared that National Conference envisages the future of New Kashmir in both political and economic terms. Towards that end we have drawn up a scheme which politically is based on the Democratic-principle of responsible Government, in economic sphere " we have gone on the principle that planned economy is of the essence of progress and that without it there can be no raising of the standard of living of the masses of the State". Political Democracy rests on the belief that the freedom of the individual to give full impression to his personality is one of the supreme values of his life and among its basic needs; the State cannot demand a surrender of that freedom except for well defined ends and except with the assent of the community freely expressed through constitutional channels and with opportunities for the free functioning of parties holding divergent views. In Democracy the State belongs to the people and is but a means of securing the fulfilment of the individual's rights and therefore, any restriction which it imposes on his freedom must be justified by that test. In our planning we have to make a choice not so much between Socialism and Capitalism

Capitalism, but between Democratic Socialism and Totalitarian Collectivism as there are, who claim that collectivised and mechanised agriculture in Russia has worked wonders and transformed the face of the countryside, there are others, however, who take a different view and rule out such a course on the ground that it would tend to impoverish the soil, reduce the peasantry to serfdom and create unemployment of staggering proportions.

The declared policy of the Government as given in New Kashmir Part II under the head " The National Economic Plan " is " the ideal of J & K National Conference is the establishment of a free and Democratic State. Such a State involves an egalitarian Society in which equal opportunities are provided for every member for self expression and self fulfilment and the adequate minimum of a civilised standard of life is assured to each member, so as to make the achievement of this equal opportunity a reality". Thus this ideal of All-in-Democracy and all-out Planning means simultaneous; all sided advance along all avenues of human activity regulated in a Democratic manner on a country-wide scale, aiming specifically for national self-sufficiency, the raising of the standard of living with special provision for education, health, sanitation, travel facilities, transport, communications, insurance, Banking and production for use and not for exchange; Thus the norms accepted by the Indian National Planning Commission were made applicable to this State and the New Kashmir reiterated its stand on it. These norms mean a standard of living which implies (a) Better nutrition; a balanced diet; necessary vitamin and protective foods. A total of 2400 units of caloric value, (b) more clothing an increase to at least 30 years per head with provision for woollen garments for the winter, (c) Adequate housing, weather proof accommodation, (d) Water supply, (e) Lighting arrangement, (f) Education for all, (g) provision of food stores, (h) A postal service, (i) Insurance

(j) Banking facilities, (k) Medical arrangements and nursing facilities free for all. For attainment of this plan the K.N.C. visualises the establishment of the Kashmir National Planning Commission backed up by a completely Democratic National Government. In face of the above picture of the Plan in New Kashmir and in the absence of a Planning Commission or such a Plan or machinery for its formulation and execution to single out one item of giving land to the tiller and calling it to be an implementation of the declared policy of Government is nothing short of a lop-side movement as when one bullock harnessed to a cart moves ahead of the other and threatens to take the cart off the road into the ditch, no Government would afford to let that happen to the cart of National Planning. Shall we first cover the countryside with a net-work of roads or grow more food, shall we first electrify the country or shall we first put up huge factories for manufacturing; it all boils down to a question of priorities. Agriculture and industry, production and distribution have all to move forward side by side, our job, therefore, is to put first things first, but to open the door to ~~economic~~ economic development in general basic or key industries are to be developed first, otherwise, we cannot have a prosperous agriculture — ~~without~~ adequate supply of chemical fertilizers or agricultural tools and implements. Skilled personale for agriculture and mechanics, electricians, doctors, nurses, are wanted for execution of the plan of New Kashmir.

Referring to economic emancipation Sheikh Mohammad Abdullah in his introduction to New Kashmir has remarked " Soviet Russia has demonstrated before our eyes in her actual day to day life that real freedom takes birth only from economic emancipation, the inspiring picture of U.S.S.R. is an unanswerable argument for the building of Democracy on the cornerstone of economic equality. The inspiring picture of U.S.S.R. was not achieved by enforcement of Ordinance or Acts like Amended Tenancy Acts VII of 2005 or I of 2007, Distressed Debtors'

Relief Act XVI of 2006 or by such proposed Agricultural Plan, but after the great October Revolution a new ~~new~~ era of Socialism was opened in the World History through a Planned National Economy. Comrade Stalin said, " A large agricultural enterprise embracing hundreds and sometimes thousands of households can be run only on the basis of planned management, without that ^{it will} inevitably go to rack and ruin". To draw up a plan without taking as a necessary premise the systematic raising of technical and cultural standards and managerial skill, without taking of fuller stock of all the resources and advantages that our system of economy possesses means busying oneself with trifles, indulging in idle and useless pastimes. The Bolshevik plan is based on progressive science and technology orientated by engineers, technicians who reveal what enormous possibilities exist for increasing productivity. In the work of drafting the National-economic plans and of verifying their fulfilment, the State planning Commission relies on the planning apparatus of the Ministries Central Administration and enterprises as well as on the ramified network of planning bodies of the Republic, regions, territories, cities and districts, V.V. Kuibyshev said, " It would be absurd to think that the National-economic Plan can be drafted by a few hundred persons sitting in the offices of the State Planning Commission, it can be drafted only when all outer districts take part and when tens of thousands of planners are drawn into the work of drawing up the Plan? Such a data is collected by the Statistical Board. For planning of Agriculture a careful study of the conditions of each district and agricultural enterprises is very important. These were perhaps the ideas present in Mirza M.A. BEG, Hon'ble Revenue Minister's mind when he made a speech as published in " Khidmat" dated 26th May 49 that: -

زمین و کاشتکاروں میں تقسیم کرتے وقت ہندوستان کے ماسٹر پلانر کے ہوتے ہوئے
 ہر علاقہ میں شریک رکھنے والے ماسٹر پلانر کے ہوتے ہوئے ہر علاقہ میں
 ماسٹر پلانر کے ہوتے ہوئے ہر علاقہ میں ماسٹر پلانر کے ہوتے ہوئے

The proposed plan of vesting the ownership of all lands in the State and then creating fragments of uniform unit of 8 Acres in the fertile valley Kashmir and 12 Acres of Abi or khushki land in Jammu whether it is in the productive part of Ranbirsinghpura or barren Kandi part of Jammu Akhnur Tehsil granting some addition in case of co-operative societies is not only against the National Economic Plan as given in Part II of New Kashmir ensuring civilized standard of life but also against Sec. 15 of the New Kashmir which enacts that the right of personal property of citizens, as well as the right of inheritance of personal property of citizens is protected by law within the limits of the planned economy of the State. Again in his recent speech given in News Chronicle of 9th June 1950 Mirza M.A. Beg, Revenue Minister said that the land reforms Committee might, for the present, accept the principle of private ownership of land. When the Hon'ble Revenue Minister, the Chairman of this nominated Committee is himself not positive whether the ownership shall vest in the State or remain with private owners to the limited extent brings me face to face with the basic problem of whether the people are to own to the State or the State is to own the people. In a Country where the sole employer is the State opposition means death by slow starvation, the principle who does not work shall not eat is replaced by a new one, who does not obey shall not eat, as quoted in the Road to serfdom by F.A. Hayek, Page 89; It is, therefore a natural fear that "when democracy falls into the hands of experts, democracy just falls". But to agree to surrender liberty for the sake of planning would be to accept defeat too easily. Learning lessons from experiments of other countries we can devise safeguards which will make it possible for planning to take place democratically, to quote David E. Libenthal one of the builders of T.V.A. "our

choice need not be between extremes of "Right" & Left" between " Private enterprise" and Socialism, between an arrogant red-tape-ridden bureaucracy and domination by a few private monopolies - - the fog is caused largely by words, words without reality in the world as it actually is to dispel this murkiness we must see the reality behind the words". Thus for a realistic approach we should note that when planning involves the substitution of the anarchy and waste of a thousand wills for narrow personal interest by centralised action in which self interest is subordinated to the interest of the community. The experience of a past few decades has shown conclusively that the self-interest of individuals does not add up to the self interest of the community as a whole and that economic forces cannot contrive a balance by themselves. The technical problems of agriculture indicate the vital necessity of comprehensive planning. The difficulty is that on one hand there is no avoiding State direction and control of agriculture if we are to increase production on the other hand it is undesirable to use coercion.

Decentralised rural economy is an ideal that we should accept without reservation. These two conflicting requirements of the situation can be met by co-operative institutions, ascending in an hierarchy of larger and larger groups upto a roof organisation of the whole province working in close collaboration with the Govt. There must be a central plan laid down in broad outline by the Govt., but administered through local institutions which are left free to choose their own methods as far as possible and to make full use of local knowledge, initiative and goodwill. In this connection I cannot help quoting the golden words of Mahatma Gandhi, "I look upon an increase in the power of the State with the greatest fear because although while apparantly doing good by minimising exploitation it does the greatest harm to mankind by destroying individuality, which lies at the root

of all progress. The State represents violence in a concentrated and organised form. The individual has soul, but as the State is soulless machine, it can never be weaned from violence to which it owes its very existencewhat I would personally prefer would be, not a centralisation of power in the hands of the State but an extension of the sense of trusteeship as in my opinion the violence of the private ownership is less injurious than the violence of the State. However, if it is unavoidable I would support a minimum of State ownership". Marshal Stalin addressing the Central Committee of the Party on January 7, 1933 admitted that only a few State farms paid their way. A year later in his report to the seventeenth congress of the Party he said " it must be admitted that they still fail to cope with their task. I do not, in the least, underestimate the great revolutionising role of our State farms. But if we compare the enormous sums the State has invested in the State farms with the actual results they have achieved to date. We will find an enormous balance against the State farms". For fifteen years plan in India a sum of Rs10,000 Crores was estimated to be the total bill of costs which is less than a third of what U.S.A. spent in the single year 1943. Question now resolves that are we at present in a position to launch any such plan. Due to Pakistan raids the economy of the State is totally shattered property worth millions has been looted, homes pillaged, hundreds of thousands have been made victims of wanton aggression lying in Refugee camps, a vast area of the State is now controlled by insurgent forces, and by subtle manoeuvring Pakistan has become a party to the dispute, whose Prime Minister's controversial references to Kashmir during his recent U.S. tour especially after Indo-Pakistan Agreement, the presence of Sir Owen Dixon in Kashmir as Mediator on behalf of the United Nations, report of 4 hours exchange of Fire with Indian Troops by Pakistan Regular raiding Kashmir villages as given in Hindustan Times of 13th June 1950 during cease fire duration, a warning to

all concerned of the dangers inherent in the present situation with two armies facing each other under an eighteenth-months cease fire Agreement naturally shows our uncertain future. The present state of uncertainty and deadlock has continued well over two years, the old channels of trade and commerce have disappeared, the prime necessity is that the people of Kashmir whether they live on one side or the other, in free Kashmir or in occupied territory should know definitely and immediately that their future is going to be, so that they could built up their shattered economy and start living like normal human beings with a sense of security and certainty about the future. To resolve this deadlock a realistic approach by the leaders is highly desirable. The absence of such an attempt has not only preserved chaos and confusion in Kashmir but has also engendered bitterness and suspicion between the two Dominions. Under such external affairs the attention ought to have been given to Sec.7 of the New Kashmir which lays down that " defence of the motherland is the supreme and sacred duty of all citizens In pursuance of this sacred task every citizen is obliged to train himself to use and shall be ensured the right to bear arms. Universal compulsory military service shall be established by law'. It is pity that besides implementation of this Section of the New Kashmir a basic need of the hour stress is being laid in giving land to the tiller in the absence of any plan which is against the letter and spirit of New Kashmir as submitted above. Reproduction of Hon'ble Revenue Minister's speech in News Chronicle of 9th June 50 referred above for retaining Private-ownership of land is again replaced by transfer of ownership to the tillers with -in three months by workers of Jammu District National Conference in their convention at Ranbirsinghpura under president-ship of S. Budhsingh State Minister as published in Hindustan Times of 15th June 50. The convention further

stressed for an Ordinance for giving relief to the tillers from the oppression of the Zamindars. After the enforcement of Kashmir Tenancy Amendment Act VII of 2005 there is a regular class-struggle between the tenants and Zamindars resulting in murders in good many cases in Jammu Tehsil adjoining the border line. Irresponsible speeches of persons in authority and workers of no repute have upset the little internal peace to a great extent. With the exception of few there is no landlord in Jammu Province who owns more than 100 acres of land, but he is being condemned as landlord. This policy of the Government of favouring one section of people at the expense of the other is causing grave apprehension of complete wreck of and ruin of this Province. Transfer of Property Act, land Alienation Regulation, Agriculturist Relief Regulation are already on the State Statute book; over and above these the recent enforcement of Trade Union Act XIX of 2006, Distressed Debtors' Relief Act XVI of 2006, Restitution of Mortgage Act XVII of 2006, Rent Control Orders have further created a gulf between employers and workmen, debtors and creditors, mortgagors and mortgagees, lessors and lessees. So, there is no Section of the public which is not set against the other. The limitation of three months for clearing all past debts and application of this Act to trade debts has created a standstill of the little left trade in Jammu. I would pray for a halt to all such reliefs so long as the future of the State is not finally decided or National Assembly is not constituted as promised in New Kashmir which enjoins that laws shall be published over the signatures of the Ruler and the speaker of the Assembly but when there is no Assembly, no speaker, how can a law be forced when the ideal of National Conference is the establishment of a free and democratic State. When we are having our planning in conformity with the Indian National planning, the

resignation of Dr. Mathai is before our eyes who sincerely held that any attempt to plan at the present stage in India would be fruitless and only arouse expectations that were incapable of fulfilment. Besides number of Rakhs, devastated border areas, evacuee lands there is abundant cultivable land extending upto 9. odd lacs of acres which can be distributed to tenants and agricultural labourers without disturbing the overwhelming majority of so called landlords of Jammu Province.

The agrarian Reform Committee has defined the economic holding in Hyderabad as a holding sufficient to yield an income of Rs 150/- per month for a family of five. The maximum size is not to exceed ten times the size of economic holding. The area of economic holding and consequently the maximum holding will vary with the fluctuations in the prices of crops. A landholder can have that much land which he can cultivate himself by employing hired labour if necessary. In the contiguous province of the Panjab though the congress had fixed such a limit to 50 acres but the Panjab Government under Sub-sec 3 of Sec 2 of the Ejectment Ordinance a landowner can eject his tenant from a piece of land which is a 100 standard or 200 ordinary acres and if four brothers are joint holders they can eject tenants on 800 acres, but our Sec 57.A (i) of recent Kashmir Tenancy Amendment Act I of 2007 gives a summary procedure for reinstatement of a tenant on any land from which he has been ejected. Without going into merits or demerits of the Panjab or other Governments measures, when we have acceded to India and four members are representing us in the Union Parliament why not should we be also benefitted from the programme of the National Planning Commission when the planning Sub-Committee of the Congress with Pandit Pant as Chairman has recommended that it is necessary to have a uniform machinery in all State Govts. for such a co-ordination and after considering the advice tendered by the Provincial Development Board, the State

planning machinery should draw up a comprehensive plan for development making proportionate allocation of available resources in money and material quite well in advance of the Budget. Such schemes should have a two-way movement. They will go to the National planning Commission for integration and co-ordinate along with similar schemes of other State Governments.

In villages there are not only tillers and owners of land, but there are agricultural labourers, servants, artisans (Kamins) and others whose betterment requires the same attention as remarked by Pt. Nehru. "It is not enough to achieve National freedom but we must think of the freedom of humanity as a whole". In the words of the Congress President, Dr. Pattabhai Sitaramaya, " Planning covered the whole range of life, from marriage to marital law, from property to death duty from raw produce to finish product____it embraces the whole gamut of the Government, the operation of the Planning Commission could not be the exclusive concern of the centre or the States", but for this purpose ~~for~~ he suggested " Unifying the literary output of the country by a process of inter-currency of literature and wanted the Government to set apart Rs 10 lacs annually to be distributed at the rate of Rs 100,000/- for each language area. Jammu Province is completely in the grip of such social evils that no amount of legislation can clear the rural indebtedness. Government by notification had to limit the number of persons in social or other functions to 24 and only one meal was to be distributed, but unfortunately no healthy co-operation came from the public and such devices were resorted that the spirit of such a good measure was defeated. A passing reference to our Budget can show as to how much is being spent for this work of social reform or removal of mass ignorance rampant in this Province where there is water starvation

in Kandi area or thousands are going issueless due to venereal diseases.

When in New Kashmir the right of personal property is protected within the limits of the planned economy as submitted above and there exists section 31 in the constitution of India to which we have acceded. When Lenin formulated the policy of the proletarian revolution on the peasant questionnaire, "the aim is not to expropriate the middle peasant, but to bear in mind the specific condition in which the peasant lives, to learn from the peasant methods of transition to a better system and not to dare to domineer, middle peasant will be on our side only when we mitigate and ameliorate his economic condition by supplying him first class tractors etc". One cannot rob peter to pay Paul. In the absence of an All-out Planning, as ensured in Part II of New Kashmir to which I have pinned my faith not only as an ordinary member but a member of the General Council of the National Conference, when the Chairman of the Committee is himself wavering between State as Private-ownership, this policy of land to the tiller is nothing, but busying oneself with trifles, indulging in idle pastimes as requested heretofore. The gross inequalities that exist today between different Sections of our people can be reduced by attacking the privileged position enjoyed by certain sections of society today. It can be achieved to a certain extent by heavy taxation of the incomes of the rich and imposition of death duties and inheritance taxes which would stop such privileges from passing to the children of the present owners. Excessive profits of manufacture and trade can also be restricted by controlling prices in the interest of the community and the money acquired to be utilized not for the present top-heavy old bureaucratic machinery but for the real benefit of the mass of the peoples. When I know that we have to build up brick by brick and stone by stone I am not at all impatient that debt should be

extinguished if no application is made within 3 months under Sec. 4 of the present Distressed Debtors Relief Act or the ownership should be transferred to tillers within 3 months according to S. Budh Singh Ji but what makes me impatient is that within this magic number three, the seeds of chaos and anarchy which are growing in Jammu Province should be totally nipped within three months by repealing for the present all such Acts which breed class hatred and practical application of New Kashmir demonstrated. The above background will be sufficient to convince the officials and non-officials members of the Committee of the hollowness of this proposed Agricultural plan and I expect that under the able guidance of the National Planning Commission for integration and co-ordination of other State Govts. a consolidated Plan with due regards to democratic safeguards for decentralised rural economy will come before the public for eliciting its views as promised by the Hon'ble Revenue Minister, in his speech reproduced above and also in the National Economic Plan of New Kashmir Part II, but if the Government is impatient at such juncture to consider this plan effecting the fate of millions of its subjects I would suggest that 50 acres of irrigated land or 150 acres in Kandhi illaqa of Jammu Province should be allowed to be retained by the landlord with full proprietary rights and should in no case be affected by the Kashmir Tenancy Amendment Acts of VII of 2005 or I of 2007 and the rest to be acquired as provided by Sec 15 of the New Kashmir referred to above. The definition of tiller should be comprehensive enough to include a person who wholly and partially depends on agriculture as his source of livelihood and contributes to its production by application of his technical skill or his manual labour or labour of any member of his family or takes risks involved, or finances, manages and supervises or

or employs servants on cash payment or hired labour. Gardens and Orchards should be allowed to be retained by the owners and not to be mercilessly cut as is heard to be done in some cases in Kashmir Valley. In cases of minors females or persons under physical disability the Govt. may take charge of their property in the absence of their proper guardian and adequate provision for their education and maintenance should be made, religious institutions to be given ~~given~~ five times of the annual land revenues reserving supervision for its proper disbursement by public representatives of their faiths. In Jammu Province there are no Bedzars, Safedzars and Kehkrisham areas, here we have Shamlat Dehs' areas which the owners subject to the ratable share of their holdings may be allowed to retain for their fuel, fodder and grazing purposes. Wild animals like cows, bulls concealing themselves in Rakhs during day time cause much damage to food crop in Jammu villages, effective steps to check this may kindly be taken as to safeguard another evil, Organizational workers may be stopped from approaching and giving open demonstration of their importance by sitting in open courts ~~with~~ with Revenue Authorities. I am one with the Government for ameliorating the condition of brother subjects of ours, but what I pray is for a realistic approach to this problem of gigantic importance on all India Basis, when the fate of the State is hanging in balance and future is uncertain measures of peace, harmony and self-defence are the need of the hour and not lawlessness, class conflict or any anti-social activity, which must be stopped at all costs to which I have pledged my faith.

Yours faithfully,

Sd/- Sant Ram Baru,
Vakil,
Member General Council,
National Conference, Rani Talab,
Jammu Tawi.

Dated 20.6.50.

HIGH TECH

Blessing or Curse?

There's no stopping America's technological revolution as it creates both opportunities and jitters. The big payoffs are still ahead—along with concern over lost jobs.

The tonic of high technology being administered to rejuvenate American industry is a bittersweet brew.

An army of robots, optical scanners, microchips and other forms of sophisticated automation is revolutionizing the way companies produce and people work, all aimed at cutting costs and improving products to meet foreign competition.

But the cost in lost factory jobs in smokestack industries is heavy, inflicting great pain on laid-off auto, steel, textile, electrical and other workers who will never be recalled. One study estimates that 2 million manufacturing jobs were wiped out in the 1980-82 period.

Much more is to come. "There will be more technological change in the next 10 to 20 years than has happened in all of history," predicts Bruce Merrifield, an assistant secretary of commerce.

That prospect evokes both hope and horror among the players in the economic drama.

Industry executives are hopeful. "Look at history," declares John Opel, chairman of IBM in Armonk, N.Y. "Every time we've had technological change, some people argued that we should stop the change and preserve the jobs. And what actually happened? More jobs were created than were destroyed. Right now, the software industry is growing like gangbusters, and that's highly labor-intensive."

If the U.S. fails to become more efficient, warns David Packard, chairman of Hewlett-Packard Company in Palo Alto, Calif., its position as the first-rank industrial power will be at risk. "We have no choice" but to automate, he emphasizes, because foreign competitors are doing it.

Paying the price. Millions of workers and their unions, however, are horrified that the net effect of high tech may be to rescue American industry at their expense. "I do not propose that we reignite the Luddite spirit and smash the microchips," says Howard Samuel, a top AFL-CIO official. "But our fear is that factory jobs will disappear, and we'll end up with only engineers and floor sweepers."

That may be exaggerating the point, but some academic observers share Samuel's concern that technology's toll may be an erosion of America's stature as a middle-class society. "It's quite possible," says Harley Shaiken, an economics professor at the Massachusetts Institute of Technology, "that we could become a very competitive economy and, at the same time, provide relatively few good jobs."

Because no one can predict the future with certainty, much speculation is involved. But talks with experts in



Automation puts premium on new skills, enabling older industries to make better products in cleaner workplaces.

industry, labor, government and academia produce this assessment of high technology's impact on the economy—

High Technology: What Is It?

For all its glamour, the world of high technology is a small part of today's economic universe.

As an industry, it is a mélange of computer electronics, software, robotics, communications equipment, computer-aided design and manufacturing, fiber optics, optical instruments, vapor-phase technology, medical instruments and biogenetics that stands at the frontier of innovation.

Today, the industry employs roughly 2.5 million to 6 million people, depending on how the industry is defined, says the government's Bureau of Labor Statistics. That compares with some 19 million workers employed in all manufacturing and a total work force of 102.7 million.

Small as it is, high tech is among the fastest-growing employers in certain job categories. By the end of the decade, the Labor Department estimates, 70 to 80 percent more computer operators, and 50 to 60 percent more programmers will be hired. But that rapid growth is from a low base: 135,000 computer operators and 228,000 programmers at work in 1980. In all, it is figured that high tech will provide less than 10 percent of the 25 million new jobs needed by 1995 to reduce unemployment to 6 percent.

More dramatic will be high tech's transformation of America's aged manufacturers into lean warriors for the struggle against foreign competitors. "The whole point of high tech is to make other industries more efficient," explained William Abernathy, professor of economics at Harvard University, before his death in December.

The Modernization of American Industry

Technology's impact on industrial America is more extensive than is popularly recognized. "Factory automation is making incredibly rapid strides," observes Steven Wal-

leck, a director of McKinsey & Company, a management-consultant firm in Cleveland. But Walleck also notes that the economic payoff among companies varies widely. "Some companies get up to 50 percent improvement in productivity," he says. "Others don't get any."

The auto industry, though a late starter, is a good illustration of one that is moving briskly to modernize its manufacturing process. "The auto industry has become a high-tech industry," says Philip Caldwell, chairman of Ford Motor Company in Dearborn, Mich.

Car makers have spent two thirds of a planned 80-billion-dollar investment to streamline products, plants and equipment. "Six years ago, we didn't have a single computer," says Nick Scheele, a Ford executive. "Today, they're all over the place, and more are coming."

Result: An industry being reborn. Caldwell predicts that a year from now more than half of the industry's 255 domestic auto plants will be rebuilt, re-equipped or retooled, with impressive productivity gains.

At Ford's 30-year-old assembly plant in Wayne, Mich., for example, the introduction of robotics and other automation has improved productivity, or output per hour of work, by 25 percent over the past four years. The remodeled factory now has 23 robots at work, with more on the way.

The paint shop is a rainbow of automation. Jets spray any combination of 25 different colors on a steady succession of auto chassis moved by conveyor. Only one human is needed to press the proper color button in a control booth, and several others stand by to apply finishing touches. In time, it is said, the color coordinator in the control booth may be automated out of his job by a bar code on each chassis similar to that which records the prices of goods at supermarket checkout counters.

"We're looking for a 7 percent productivity improvement each year," says Dave Porter, plant manager. "There's nothing in this plant, with a few exceptions, that we couldn't automate if we wanted to spend the money. But automation must be cost-effective."

Key to survival. The modernization at Wayne is reflective of the industry. Executives know that improved productivity through automation is the key to survival. Without the massive commitment to new technology, says Scheele, the industry "wouldn't have survived more than five to seven years" from the 1981 model year when the advanced automation began to be applied to the product.

The long-suffering textile industry is making the same decision. Though sales dropped to a 10-year low in 1983, the industry spent 1.3 billion dollars for capital goods, mostly automated and computerized equipment.

Example: Burlington Industries invested 25 million to modernize a 50-year-old plant in Asheville, N.C., with the latest textile technology. Air-jet looms are three times more efficient than the old shuttle looms. "We get three times more fabric, better quality and more of what our customers want," says David French of Burlington.

The new technology will change the nature of work for textile employees. "Instead of loom fixers, we'll have highly trained technicians; instead of millwrights, we'll have more people working computers," explains James Morrissey of the American Textile Manufacturers Institute.

In sum, says Burlington's French, "textiles is on the threshold of a new era. It'll cost a lot of money, but it's necessary for survival if we're going to compete in the world market."

What's good for autos and textiles also is good for machine tools. "The whole machine-tool industry is making the shift from strictly mechanical tools to electronically smart machines," says Ruben Mettler, chairman of TRW, Inc., in Cleveland. The National Machine Tool Builders Association estimates that 31 percent of the 1982 produc-

America's Mecca of High Tech

SAN JOSE, Calif.

What was prune country 20 years ago now is Silicon Valley, a 15-mile slice of the high-technology economy of the future.

As they say around here, if you don't do high tech, you can service it. "We just completed the best year we've ever had," says Don Cvietusa, head of Bank of America's San Jose corporate group. "We're seeing so many new start-up companies."

The semiconductor industry can't fill all the orders for silicon chips that are needed for computers, cars and all kinds of consumer products. Demand for microprocessors, the computer-on-a-chip, is strong.

"Many more new products are going to be developed here," observes Lenny Siegel, head of the Pacific Studies Center. That will assure jobs for workers in the low-slung modern plants that dot the valley's floor between Palo Alto and San Jose. The high-tech work force is expected to swell to 300,000 within a decade from about 200,000 now.

Jobs aplenty. Today's unemployment is well below the national average—5.8 percent vs. 8.4 percent. Over the next two years, says the Santa Clara County Manufacturing Group, a link between industry and government, 79 local companies plan to increase their employment by 29 percent. The jobs pay from \$15,000 for some production workers and clerks to six figures for professionals and executives.

Few workers feel tied to one large corporation's fate. More than 80 percent of the high-tech firms here employ fewer than 200 persons. If one company goes broke, similar jobs are usually available close by.

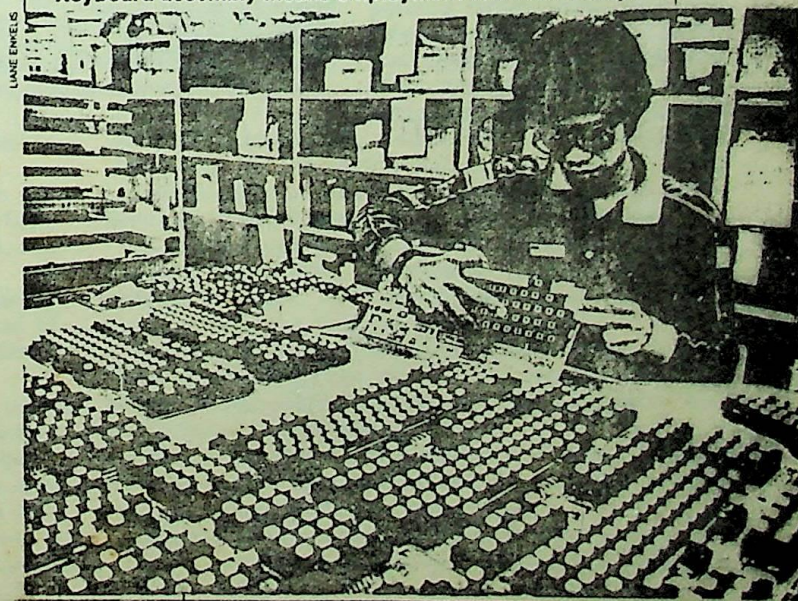
Only low-skill production workers are vulnerable. Some employers, such as Atari, ship the most routine jobs offshore. Unions have made no headway here, so there's little job security for the least skilled.

Still, the area is a magnet for adventurous people. Since 1980, Cupertino's population is up 45 percent. San Jose is planning a major downtown development.

Many older residents long for yesteryear's lifestyle. But high tech is putting money in the pockets of developers and sparkle in the eyes of newcomers. "Compared to Michigan," says a San Jose waitress, "it's a whole new world."

By JUANITA R. HOGUE

Keyboard assembly means employment in Silicon Valley.



tion of machine tools was by computer-controlled tools, compared with 13.9 percent 10 years earlier.

At TRW, electronic services and products, such as battle-field communications systems, now account for approximately half the company's sales, compared with 30 percent five years ago and a lot less 20 years ago. Mettler says the changed business mix has preserved jobs, not lost them.

"We're getting more output with approximately the same number of people," Mettler explains, "and we've shifted the benefits of our growth to our suppliers." Over the past decade, TRW's employment has risen from 80,000 to 85,000, while its purchasing of goods and services has generated an estimated 25,000 jobs among its suppliers.

"If we hadn't done what we have done," says Mettler, "our sales wouldn't be 5.5 billion dollars, we wouldn't be employing 85,000 people and we wouldn't be purchasing 2 billion dollars of goods from our suppliers."

Old Companies, New Businesses

Many firms are using technology in a different way: Not to make old products more efficiently, but to change their businesses entirely by producing glamorous new things.

Since 1851, the name Singer has been synonymous with the sewing machine. The name may still be, but the Singer Company of Stamford, Conn., isn't. Because the modern working woman doesn't sew much, Singer is moving out of sewing machines and into the aero-

space and high-tech business. Today, sewing machines represent only 24 percent of the company's sales and virtually none of its profits.

The Harris name has been linked with the automatically fed printing press since it was invented by Charles and Alfred Harris a century ago. But last April the Harris Corporation of Melbourne, Fla., completed its transition to high technology by selling off its printing-equipment division. It now calls itself an "information-technology company" specializing in data collection and processing.

Similarly, the Gould company of Rolling Meadows, Ill., in the battery business since 1898, is becoming high tech. Chairman William Ylvisaker already has shed the company's industrial and electrical divisions. Now, the original battery business is up for sale. "When the sale of GNB Batteries is complete," says a Gould spokesman, "the last vestige of our nonelectronics business will disappear." The company now makes high-speed minicomputers, medical instruments, torpedoes and other defense systems as well as electronic components and materials.

Disappearing Jobs in Basic Manufacturing

The move to modernization, in combination with the effects of the 1981-82 recession, is taking a heavy toll on jobs in such basic industries as autos, steel and textiles.

Some 150,000 auto-company jobs, and more among suppliers, have disappeared since 1978. The

Everything's Up-to-Date in Erie

ERIE, Pa.

Like a giant praying mantis, the long finger of metal snatches the tool from its shelf, wheels sharply, and drops it into a machine that mills a motor frame brought to it by conveyor.

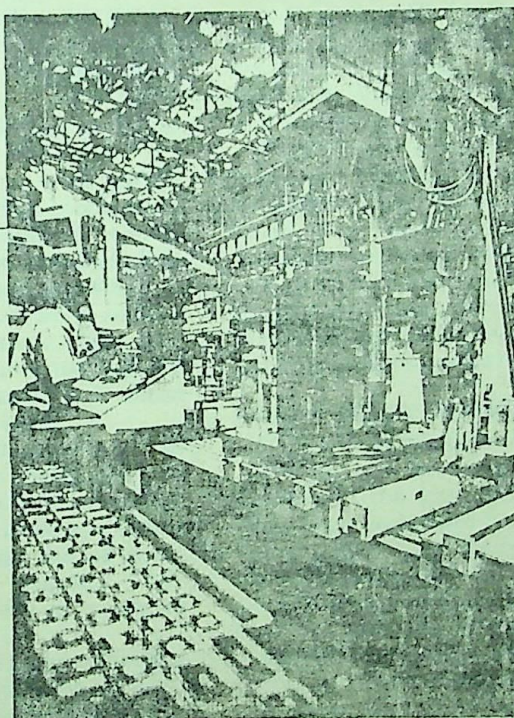
The "praying mantis" is a robot at work. Its uncanny ability to know which tool the milling machine needs and when is helping to lift this old city from decline.

By transforming a drab, 70-year-old building into a factory of the future, high technology is preserving the locomotive and land-transportation business for the General Electric Company here and jobs for its workers.

Hope for older cities. "It shows that automation can save an older city, not destroy it," says Louis J. Tullio, fifth-term mayor of this third-largest city in Pennsylvania, one that outsiders long have scorned as "dreary Erie."

GE's choice was to automate or leave. It decided to put 316 million dollars into its aged plant. "Instead of moving to Arizona or Taiwan," says GE's Duane Shull, "we decided we could stay where we were."

Because of that decision, declares Thomas Hagen, president of the Erie Insurance Group, "things are coming alive" in the city. His firm built a 33-million-dollar headquarters building. An 18-million-dollar civic-sports center opened last summer. Both projects are part of a 100-million-dollar master plan devised by Erie Tomorrow, a



Locomotive production: More machine than man.

public-private development group. Yet, all is not joy here.

Jobs lost. GE's decision to automate, coupled with the harsh 1981-82 recession, has wiped out jobs. The company's employment is down to 7,500 now from 10,500 in 1978. Area joblessness is about 13 percent.

GE expects a boomlet in orders for its locomotives. When that develops, the renovated plant will be able to turn out 800 locomotives a year, one third more than current capacity, with a 10 percent larger work force. GE refuses to say 10 percent larger than what. The United Electrical Workers, representing plant employees, reports that 3,200 people

work in the locomotive division now, down from 5,500. Because of the robots, five humans work where 70 did before. Together, they can machine a 2,500-pound motor frame in 16 hours instead of 16 days, as previously.

"If we had not introduced new technology into our business," says Carl J. Schlemmer, GE's transportation systems manager, "we would have fallen behind the Japanese rather rapidly" in world markets.

The union agrees. "Companies should invest in older plants because they are the ones that created the profits to pay for the automated factories," says James Nelson, the local-union president.

GE also has invested 6.5 million dollars in a modern training center that has helped some 2,000 workers learn to cope with the new technology.

Because of automation, Erie is no longer dreary.

textile industry has lost 250,000 jobs. Over all, one study cited by MIT's Shaiken estimates, 2 million manufacturing jobs were eliminated in 1980-82.

Nonetheless, those numbers can be deceptive. Anthony Carnevale, economist for the American Society for Training and Development in Washington, says the number of workers directly displaced by automation "really is very minimal" in the context of total employment. Even if 2 million jobs have been lost in basic manufacturing, he points out, that's still only 2 percent of total employment. "The problem," Carnevale explains, "is that those who are displaced fall very far, with a massive reduction in standard of living." These workers are not obsolete, he emphasizes, just their skills.

Encouraging signs? Others believe that technology's harshest damage on employment may be in the past. "The worst of the job loss in our basic industries is over," declares Ronald Kutscher, assistant commissioner of the government's Bureau of Labor Statistics. "We don't project any further losses in autos and steel, for example."

Noting that the standard of living has been declining since 1973, Jerry Jasinowski, chief economist for the National Association of Manufacturers, forecasts: "We may be through the worst part." One hopeful sign: At Ford, where some 60,000 jobs have been eliminated, company officials expect to manage any further job losses through attrition, not replacing workers who leave on their own.

Automation also is beginning to keep jobs in the U.S. that otherwise would be shipped abroad. When General Motors completes a 200-million-dollar investment at its Delco plant in Kokomo, Ind., the company expects to employ 1,200 Americans to produce electronic parts that now are being made in Mexico and Singapore.

Looking at the big picture, most experts see a net gain in manufacturing jobs during the decade of the 1980s. Data Resources, Inc.—or DRI—the Lexington, Mass., consulting firm, figures 16 million more jobs will be created, including 2.5 million in manufacturing, than will be lost by 1990.

The largest number of these new jobs will be in service industries. This causes labor leaders and some other analysts to fear that the effect of trading auto and steel jobs for service and electronics assembly jobs will be to reduce the standard of living for many blue-collar workers.

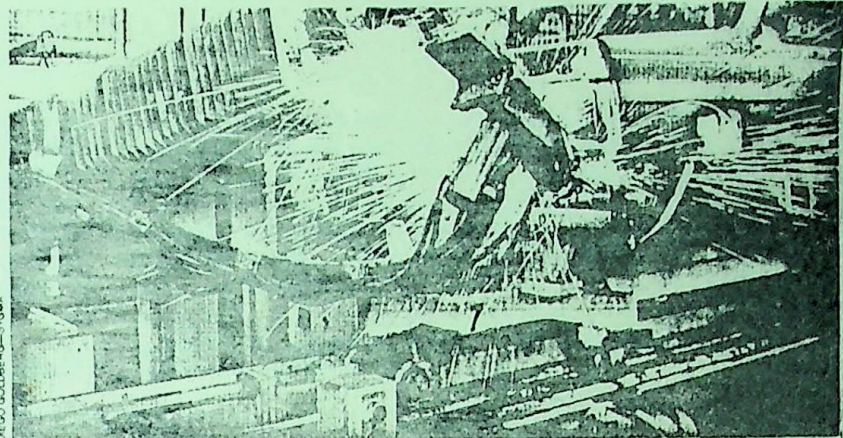
"With fringes, you're talking about a 50 percent loss in living standard," says Barry Bluestone, an economics professor at Boston College, "if an auto worker is lucky enough to get a job in electronics." He or she won't do any better with a low-paying service-industry job, says Russell Rumberger, a Stanford University economics professor. "Any way you look at it," he adds, "what you see is an erosion of the middle-class employment base."

That view is disputed by others. Though many individual factory workers will be hurt, says David Wyss of DRI, Americans will be better off because of technology. "The standard of living will rise. Jobs will pay better. Tomorrow's junior engineer will be the equivalent of today's machinist." The pessimistic view, agrees Representative Ed Zschau (R-Calif.), a former electronics-company executive, assumes an industrial and economic stagnation because of new technology "that doesn't square with history."

More Regions May Benefit

Though high tech is associated in the public mind with clusters of companies along Route 128 near Boston, in California's Silicon Valley south of San Francisco and in North Carolina's Research Triangle of Raleigh, Durham and Chapel Hill, its impact will be much broader.

A 1982 study by the Congressional Joint Economic Committee concluded that Massachusetts and California may



Tireless robots do routine tasks better and faster than humans.

see their premier positions as high-tech centers eroded in the future because of their high costs of doing business. The study pointed to the Midwest, Southeast, Southwest and Mountain and Plains states as potential gainers from future high-tech expansion. Because they are new and relatively small, high-tech companies are freer to go where they wish than are older, larger manufacturing plants. New firms usually select sites near science-oriented universities.

States are scrambling to get in the high-tech game. Michigan, New York, Illinois, Indiana and New Mexico are a few of those that have passed legislation to attract high-technology companies. Pennsylvania created a Ben Franklin Partnership to fund joint university-business development of new technologies for use in coal and other industries.

Massachusetts owes its economic rebound to high tech in large part. A decade ago, says Evelyn Murphy, secretary for economic affairs, "this state was called the Appalachia of the North. Now, due to high tech, there's hope for the future."

Murphy estimates high-tech jobs, 9 percent of total state employment, could reach 20 percent by the next decade. Equally important, she adds, is the application of high tech to such older industries as shoes, textiles, furniture and machine tools to preserve their competitiveness and jobs.

Unions' Agony and Opportunity

High tech poses major challenges for organized labor.

Unions have made virtually no progress in organizing workers in the high-tech industries themselves. In part, that's because smaller companies always have been harder to organize. In part, it's because many high-tech companies have adopted a "familial" approach toward their employees, along the lines of Japanese firms. Nonunionized IBM, for example, does its best to retrain workers for new jobs within the company rather than laying them off when orders are down at a given plant.

A larger reason, DRI's Wyss believes, may be that most high-tech workers regard themselves as professionals and, therefore, are not interested in unions. This attitude, he adds, permeates even the low-skill production workers who "see themselves as part of the 'get rich quick' generation that's less interested in job security."

That could change abruptly if more companies follow Atari's lead in shipping jobs offshore. The Silicon Valley electronics company announced last fall that it was transferring 1,700 jobs to Asia where labor is cheap. "Atari is a classic example of why unions are needed for job security," says MIT's Shaiken. Companies may be content with a paternalistic management style when the economy is good, he adds, but when it turns down "they put the jobs on the boats."

An even bigger challenge for organized labor may lie in its relationship to smokestack industry. There, cooperation

is being substituted for confrontation in many companies. Ford, for example, is proud of its employee-involvement groups—through which employees are given a voice in their work environment, the manufacturing process and the company's products. "The unions' adversarial role will become a relic of the past," said the late Abernathy of Harvard. "They'll have to shift to getting training and expertise for their members."

What will all this technological change mean in the end?

For American industry, it will mean a renewed vitality for the contest with foreign rivals. For American labor, it will mean a painful adjustment for some workers and different opportunities requiring different skills for others. For American society, if history is any guide, it will mean more-challenging jobs, better products and a cleaner environment—an enhanced quality of life. □

By MONROE W. KARMIN with LINDA K. LANIER, RON SCHIERER, JACK A. SEAMONDS and MICHAEL BOSCH

Interview With James Baker, Executive Vice President, General Electric Company

Industry Must "Automate, Emigrate or Evaporate"

Switching to high technology will cause loss of jobs and income, but American businesses really have no choice if they want to compete with foreign firms.

Q Mr. Baker, how will advanced high technology affect our economic future?

A The choice that confronts American industry is to automate, emigrate or evaporate. Our older industries cannot hope to survive unless they automate as rapidly as they can, because their foreign competitors are doing it. If they don't, there won't be any jobs at all in those industries someday.

Q So you do see a future for our older industries, such as autos and steel, if they automate?

A Yes. Though the auto industry got a late start, it is automating in a big way. It is a high-technology industry now. It is a major purchaser of semiconductors. It is a major user of computer-aided design and computer-aided manufacturing, robotics and laser technology. The auto industry illustrates vividly the marrying of Silicon Valley with smokestack America that is so vital to our future.

We will surely have a specialty-steel industry. Inland Steel is making money in steel. It should continue to be a viable steel company. Bethlehem and Jones & Laughlin are automating and should do well. Others will survive but will be smaller. Some won't survive. Though U.S. Steel's management no longer seems to be focused completely on steel, the company's new automated pipe mill in Alabama encourages me that it is still serious about steel, too.

Q How will automation affect jobs?

A If it were to happen in a short period of time—10 to 15 years—that would mean a tremendous loss of jobs. But the transition will be much more gradual. Many individual robots will be put into operation, but the big, full-factory-automation jobs won't be done quickly. The buying of what I call "factories with a future" is about 3 percent of total business plant-and-equipment purchases today. I expect that to rise to about 16 percent by 1990.

Q Still, some jobs will be lost—

where. They will need new skills, but many won't look for or train for new jobs as long as they feel they have recall rights. This attitude needs to be changed. Instead of saying to workers, "You are laid off indefinitely," perhaps they should be told, "You are laid off permanently." Then they can prepare for new careers instead of waiting for nothing.

Q Will the number of jobs created in the high-technology industries make up for the number of jobs lost elsewhere?

A Not as we know those high-tech industries today. The number of jobs being created in the semiconductor and electronics industries—the so-called Silicon Valley industries—do not nearly equal the number of jobs being displaced in the smokestack industries. But nobody knows what new industries, with how many new jobs, will be created in the future.

Q Will the jobs in the new industries pay as well?

A Nobody knows that for sure, either. It's true that a displaced steel or auto worker who takes a job in the electronics industry probably will lose money. So will an engineer or other white-collar worker. When GE bought its two acquisitions in Silicon Valley, we found that employees, across the board, were earning about 15 percent less than average wages for companies in the Midwest and East.

Q So, in the short run, many people will lose income?

A Yes, many blue and white-collar workers are going to make less money. But when a man makes less money, his wife often goes to work to preserve their standard of living. I think you'll see virtually every family with two people working to buy that car and that house.

Q What will it mean for young people?

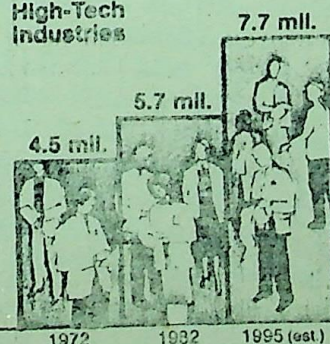
A They're going to have to be much better educated and in different ways. In Florence, S.C., where GE has a plant, the high school allows a student the choice of preparing for college or using his or her final two years to learn electronics, computer programming, robot repair, interactive graphics—something of value in the real world of work.

Q On balance, then, you see automation as a blessing?

A It's the salvation of our economic system.

GROWTH FIELD

Jobs in High-Tech Industries



Rate of high-tech job growth from 1982 to 1995 is expected to exceed that for total employment.

USNAHR—Basic data: U.S. Dept. of Labor

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MOSCOW STALKS THE PERSIAN GULF

INTRODUCTION

The recent upsurge in fighting in the Iran-Iraq war and Iran's threat to block the strategic Strait of Hormuz have focused attention on the Persian Gulf, an epicenter of world politics. Because it is the world's largest known storehouse of low-cost energy supplies, the Gulf region has acquired immense strategic value as one of the determining fulcrums of the global balance of power. The Gulf region's geopolitical importance, the kaleidoscopic nature of politics among Gulf states and the presence of volatile social and political forces within them, and the lengthening shadow of Soviet military power insure that the Gulf will remain a potentially explosive source of superpower tensions for years.

After centuries of southward expansion, Moscow is closer than ever to securing a land bridge to a warm water port. The advent of Soviet nuclear parity, the growth of Soviet power projection forces, the Iranian revolution, and the Soviet invasion of Afghanistan have altered fundamentally the strategic balance of the Gulf region. The fall of the Shah removed the American shield from Iran, sounded the death knell for the anti-Soviet CENTO alliance,¹ and plunged Iran into chronic turmoil. This has afforded the Soviets increased opportunities to meddle in Iranian affairs and in the internal affairs of neighboring states threatened by the spillover of the Iranian revolution. The invasion of Afghanistan brought Soviet forces 400 miles closer to the Gulf,

¹ The Central Treaty Organization (CENTO) was a defense alliance between Turkey, Iran, Pakistan, and Great Britain. Originally named the Baghdad Pact, the name was changed when the Iraqi revolution led Iraq to withdraw in 1959. The United States held observer status in the alliance but was not a party to the treaty.

lengthened the Soviet-Iranian border by 400 miles, and gave Moscow well-positioned military and subversive bases that could be used to intimidate, undermine, or dismember Iran and Pakistan.

In the near future, Iran is likely to be Moscow's prime target because of its proximity, relative diplomatic isolation, and internal instability. The Soviet Union twice has attempted to swallow Iranian provinces--Gilan province in 1920 and Azerbaijan/Kurdistan in 1945-1946. Although it was forced to disgorge these occupied Iranian territories on both occasions, the story could be different today, given the marked pro-Soviet tilt in the global balance of power.

Moscow's ultimate target is Saudi Arabia. By gaining control of the kingdom's massive oil reserves, the Soviets could undermine the economic vitality of the West, split the Western alliance, and reforge the weakening energy links that help bind Eastern European satellites to the Kremlin. A pro-Soviet Saudi Arabia would be a grievous blow to Western Europe and Japan, which are dependent on Saudi oil, and to the smaller Gulf states that have looked to the Saudis for leadership in recent years.

The Soviet Union has encircled the Gulf with military bases in Afghanistan, Syria, South Yemen, and Ethiopia. A direct Soviet military thrust is unlikely, however, as long as regional trends continue to favor the Soviets and the American commitment to use force in defense of friendly Gulf states remains credible. Moscow is more likely to mount indirect threats to the Gulf in the form of opportunistic manipulation of ethnic separatist groups, local revolutionaries, and domestic political instability. In trying to deter the Soviet military threat to the Gulf, Washington should remain ready to defend its friends in the Gulf while taking care to avoid exacerbating the domestic problems of fragile Gulf polities. Washington also must stand ready to safeguard the continued flow of Gulf oil against the interference of Iran as well as the Soviet Union.

SOVIET GOALS IN THE GULF

Russia was determined to push its frontiers southward for geopolitical reasons centuries before the Bolshevik revolution or the discovery of oil in the Gulf. In 1920, three years after seizing power, the Bolsheviks organized a "Congress of the Peoples of the East" in Baku in a vain attempt to incite the Moslem world to launch a holy war against European colonial empires. The following year, however, weakened by civil war, Moscow signed a series of "friendship treaties" with Turkey, Iran, and Afghanistan, which ushered in a "period of armed truce" along its southern borders.²

² George Lenczowski, Soviet Advances in the Middle East (Washington, D.C.: American Enterprise Institute, 1972), p. 25.

Then, in 1940, Soviet Foreign Minister V. M. Molotov signed a secret protocol to the Hitler-Stalin pact that pledged "The area south of Batum and Baku in the general direction of the Persian Gulf is...the center of aspirations of the Soviet Union...."³

Emboldened by its military strength after World War II, Moscow prepared to carve up its southern neighbors. It demanded territorial concessions and control of the Bosphorus from Turkey and refused to withdraw from northern Iran, which it had occupied in 1941. Turkey and Iran rebuffed Soviet coercive diplomacy with the support of the United States and became key allies in the American effort to contain Soviet expansion. Having failed to subjugate the Northern Tier countries through intimidation, Moscow sought to lure them away from a strategic embrace with the West by implementing a good neighbor policy aimed at allaying their fears about Soviet imperialism.⁴

The Soviets pursued a dual policy of cultivating good relations on the state-to-state level with its southern neighbors while backing local communist parties and other revolutionary groups. Economic development assistance was extended to buy good will and provide cover for subversion. The extensive Soviet military assistance program gave the Soviets entrée into the armed forces of recipient states, an excellent position for recruiting potential coup leaders. Clandestine pro-Soviet elements in the armed forces staged an abortive coup in Sudan (1971), were purged from the armed forces of Iran (1977), Somalia (1978), and Iraq (1978), and staged successful coups in Afghanistan (1978) and South Yemen (1978).⁵

In addition to strengthening its own influence in the Gulf region, Moscow has worked to erode U.S. influence there. It has sought to prevent local states from cooperating with Washington, pushed for the dissolution of existing alliances and agreements with the U.S., and tried to prevent new ones.

THE SOVIET UNION AND PERSIAN GULF OIL

The Soviet Union's long-term goals almost surely include control of the natural resources as well as the foreign policies of Gulf states. The Gulf region contains roughly 55 percent of the world's proven oil reserves, or about two-thirds of the non-

³ Raymond Sontag and James Beddie, Nazi-Soviet Relations 1939-1941: Documents from the Archives of the German Foreign Office (Washington, D.C.: Department of State, 1948), p. 259.

⁴ For an analysis of Soviet policy toward the Northern Tier, see James Phillips, "A Mounting Soviet Threat to the Northern Tier," Heritage Foundation Background No. 271, July 1, 1983.

⁵ See David Lynn Price, "Moscow and the Persian Gulf," Problems of Communism, March-April 1979.

communist world's oil supplies. Although Gulf oil production has fallen in recent years due to the world oil glut and the Iran-Iraq war, the Persian Gulf remains the center of gravity of the world oil trade. While the United States has reduced significantly its dependence on Persian Gulf oil, its close allies in Europe and Japan remain vulnerable to disruptions in their supply line to the Gulf.

The establishment of Soviet hegemony over the Gulf could spell the end of the Western Alliance. Once astride the Gulf, the Soviet Union would be in a position to "Finlandize" Western Europe and Japan through economic blackmail. By becoming the arbiter of Gulf oil flows, the Soviet Union not only would gain influence over non-communist oil importers but would bolster its influence over its oil-thirsty satellites in Eastern Europe. The Kremlin has been unable to satisfy fully the oil import demands of East Germany, Poland, Czechoslovakia, Hungary, and Bulgaria over the last decade because the growth of Soviet oil production has failed to keep pace with either the growth of Soviet-bloc oil demand or the need to finance food and technology imports with foreign currency earned by selling oil to the West. If the Eastern Europeans are squeezed out of the world oil market, their economies will be hamstrung to the point where there might be an anti-Soviet political spillover. The Soviet Union probably will be forced to incur rising political, military, and economic costs to retain its East European satellites unless it can obtain adequate oil imports for them. And the Soviet Union itself may look to the Persian Gulf to fulfill its oil requirements as its own oil production reaches a plateau and declines in the late 1980s.

MOSCOW'S INDIRECT STRATEGY

Moscow so far has pursued an indirect strategy in the Gulf to avoid a direct confrontation with the United States. It has secured strongholds around the Gulf's rim in Afghanistan, Syria, South Yemen, and Ethiopia and retains residual influence in Iraq. Explains a leading expert on Soviet foreign policy: Moscow seeks to "subvert the center by radicalizing the periphery."⁶ East German and Cuban advisors safeguard the ardently pro-Soviet regime in South Yemen while the Yemenis support rebellions in neighboring Oman and North Yemen--back doors to Saudi Arabia. The communist Defense Minister of Afghanistan has indicated that the Afghan army would play a "significant role" in the future "like that played by the Cuban and Vietnamese armies."⁷

A direct Soviet military thrust into the Gulf region cannot be ruled out and is probably more likely than a similar thrust

⁶ Alvin Rubinstein, "The Evolution of Soviet Strategy in the Middle East," *Orbis*, Summer 1980, p. 330.

⁷ *FBIS, Daily Report, South Asia*, January 28, 1982, p. C1.

into Western Europe. Such an operation, however, would be extremely risky because it could trigger a superpower confrontation. Moscow probably can afford to be patient, for trends in the Gulf appear to be running its way. The Iranian revolution has opened up new possibilities for Soviet probing, Saddam Hussein's Iraqi regime is tottering, and the traditional societies on the Arab side of the Gulf are beset by the destabilization born of too-rapid modernization. After demonstrating its ruthlessness in Afghanistan, Moscow does not actually have to use its military power in the Gulf to extract political benefits. The Soviet military machine casts a large political-psychological shadow that must be offset by countervailing Western power.

THE SOVIET THREAT TO IRAN

The opportunities for Soviet gains are highest and the risks lowest in Iran. As such, it probably will be the foremost target of Soviet meddling in the near future. The Iranian revolution has detached Iran from the U.S. security umbrella, weakened its military strength, unleashed political turbulence, and left the country internationally isolated. Soviet subjugation of Iran would inevitably lead the other Gulf states to reach an accommodation with the Kremlin.

Moscow's interest in fomenting a pro-Soviet revolution in Iran is longstanding. Communist ties to Iranian leftists predate the Bolshevik revolution. A Soviet writer speculated in 1918 that a revolution in Persia might become "the key to revolution in the whole east."⁸ In 1920, the Red Army invaded Gilan province on Iran's Caspian Sea coast and set up a Soviet Republic under Kuchek Khan. Soviet troops were withdrawn in 1921 only after Moscow had extracted a one-sided "Treaty of Friendship." Article VI of the treaty gave the Soviets the right to intervene if Iran were occupied by a third party or if Iranian territory were used as a base for "anti-Soviet aggression." A subsequent exchange of letters specified that Article VI referred only to anti-Bolshevik Russian forces, but the Soviets have constantly tried to widen the interpretation of the treaty to give themselves a pretext for intervention and to restrict the military activities of foreign powers in Iran.⁹ Although Iran has announced repeatedly the abrogation of the treaty, Moscow ominously insists that it remains in force.

In spite of a wary, correct relationship with the Shah, the Soviet Union welcomed the Iranian revolution because of its anti-American nature. Iranian opposition to Soviet imperialism, however, became a source of tension in Soviet-Iranian relations.

⁸ A. Yodfat and B. Abir, In the Direction of the Persian Gulf: The Soviet Union & the Persian Gulf (London: Frank Cass, 1977), p. 29.

⁹ Alvin Rubinstein, Soviet Policy Toward Turkey, Iran and Afghanistan (New York: Praeger, 1982), p. 61.

Ayatollah Khomeini's government condemned the Soviet invasion of Afghanistan and shut down a natural gas pipeline to the Soviet Union when the Soviets refused to meet Iranian demands to raise the below market price they were paying for the gas. Moscow criticized the Iranian government for "artificially" restricting trade between the two countries but avoided criticizing Khomeini personally. The Soviets have staged troop maneuvers along the Iranian border on several occasions and maintain strong garrisons along the Afghan-Iranian border to deter Iranian "interference" in Afghanistan's "internal affairs." In early 1982, Iran shot down a Soviet helicopter that had pursued Afghan freedom fighters across the border into Iran.¹⁰

Another source of tension in Soviet-Iranian relations is the ideological clash between Khomeini's militant Islamic fundamentalism and Soviet communism. Because the Soviet empire contains 40 to 45 million Moslems, Soviet leaders cannot ignore the possibility that this fast growing segment of the population will be caught up in the Islamic resurgence. Iran's Shia Moslem ideology, however, is unlikely to appeal to the predominantly Sunni Moslems in Soviet Central Asia.¹¹ Even if the Iranian revolution should inspire Moslem restiveness in Central Asia, the massive Soviet police apparatus probably would have little trouble in isolating and crushing an Islamic rebellion.

Despite frequent downturns in Soviet-Iranian relations, Moscow continues to pose as the "protector" of the Iranian revolution. It works to deepen Iran's radicalization, intensify its alienation from the West, and fan the flames of Iran's anti-Americanism. It equates anti-Soviet criticism by Iranians with opposition to the Iranian revolution. By infiltrating the Soviet-controlled Tudeh Party into positions of power in Iran, it attempted to gain influence over the direction of the revolution and leverage in the succession struggle that inevitably will follow Khomeini's death.

Soviet policy was complicated by the Iraqi invasion of Iran in September 1980. Moscow at first tried to ingratiate itself with Iran while trying to retain its influence with Iraq. It warned Iran of Iraq's impending attack, provided the Iranians with satellite intelligence,¹² and channeled Soviet arms to Iran through Libya, Syria, and North Korea. Soviet-Iranian relations soured, however, when Iran turned back Iraq's army and crossed

¹⁰ Wall Street Journal, July 19, 1982, p. 19.

¹¹ The Uzbeks and Turkmens who inhabit the Soviet republics northeast of Iran have a long tradition of hostility toward Iranians. The Azerbaijanis, who straddle Iran's northwest border with the Soviet Union, share the Iranians' Shia beliefs but are repelled by Tehran's treatment of the Azerbaijani minority within its borders. None of the Soviet Moslem groups are likely to be inspired by the economic costs of an Iranian-type Islamic revolution.

¹² Newsweek, August 9, 1982.

into Iraq in mid-1982. Moscow did not welcome the prospect of an Iranian victory over Iraq because a revolutionary Islamic Iraqi government would be beholden to Tehran, not Moscow. Moreover, an Iranian triumph would weaken Soviet leverage in Iran and strengthen American leverage in Arab Gulf states confronted with an ascendant Iran.¹³

Moscow criticized Iran's first offensive into Iraq's territory in July 1982 and later resumed shipping arms to the Iraqis. The Iranians were alarmed when Vladimir Kuzichkin, a senior KGB operative in Tehran who defected to the British government, disclosed Soviet infiltration of ethnic groups along the border and the identities of KGB agents and undercover Tudeh Party members who had penetrated various organs of the Iranian government.¹⁴ This prompted the Iranian government to purge the army, Revolutionary Guard, police, and bureaucracy. Tehran arrested the Tudeh leadership in February 1983, banned the Tudeh Party in May, and expelled eighteen Soviet diplomats.

Since then, Moscow has pursued a damage limitation strategy. At the same time, it has rebuilt its intelligence network in Iran by infiltrating KGB agents across the border from Soviet Azerbaijan.¹⁵ Soviet commentators have become much more critical of the Khomeini regime.¹⁶ An article in the influential Soviet journal Literary Gazette, for example, complained in June 1983 that the Iranian revolution has been transformed into "Islamic despotism."¹⁷

An outright Soviet invasion of Iran cannot be ruled out, but it is unlikely as long as the military deadlock in Afghanistan persists, the U.S. Rapid Deployment Force becomes an increasingly credible deterrent, and Iranians remain unified and willing to sacrifice large numbers of lives to retain their independence.

If the Soviet Union should invade, the Iranian army and Revolutionary Guards, worn down by more than three years of war with Iraq, could not hope to repel the advance. The Soviet Army could mobilize 24 divisions along the Soviet-Iranian border¹⁸ with more

13 The Iran-Iraq war also threatens important American interests in the Gulf area and thereby could advance Soviet interests. Tehran has threatened to close the Strait of Hormuz to oil shipping if Iraq attacks Iran's oil facilities. Although Iran does not have the military capability to keep the Strait closed, given the presence of Western naval forces in the area, Iran could force up the insurance costs of oil shipping in the Gulf, thereby precipitating a mini-oil crisis.

14 Foreign Report, October 28, 1982, p. 3; Christian Science Monitor, May 6, 1983.

15 Time, May 16, 1983, p. 27.

16 Muriel Atkin, "Moscow's Disenchantment with Iran," Survey, Autumn/Winter 1983, p. 257.

17 Soviet World Outlook, July 15, 1983, p. 7.

18 New York Times, December 20, 1982, p. A-11.

than 200,000 men, 4,500 tanks, and 940 aircraft.¹⁹ Moscow could insert two of its seven airborne divisions into Iran in a matter of hours. Despite Iran's rugged terrain and limited road network, the invader's progress would undoubtedly be facilitated by the early use of paratroops, helicopter troops, and special forces to seize strategic chokepoints and transport links. Advance columns of the Soviet army could link up with air dropped elements in Tehran in one week²⁰ and in Iran's oil province of Khuzistan in the upper Gulf area in as little as ten days, depending on the local opposition.²¹

Such a bold move would be risky, given the U.S. commitment to use force to repel a Soviet attempt to gain control of the Gulf region. In addition, once they occupied the Iranian oil fields, the Soviets would be confronted with the difficult task of repairing oil production facilities and keeping them operating in the face of sabotage and aerial attack. They would be forced to occupy indefinitely a country with 35 million well-armed citizens--more than twice the population of Afghanistan--many of whom probably would be very willing to become martyrs for the Iranian revolution.

A more attractive option for Moscow would be a limited thrust into Iran, at the "invitation" of Iranian leftists or ethnic separatists who would collaborate with the Soviet army. Moscow could establish the military infrastructure in northern Iran that would facilitate later Soviet moves to the south. Although the Tudeh Party was decapitated in the 1983 crackdown, many of its cadres presumably escaped capture. In addition to the Tudeh, Moscow might be able to ally with some of the estimated 200,000 followers and sympathizers of various Iranian Marxist groups.²²

The Soviets might find other willing collaborators among some of Iran's ethnic minority groups--the Azerbaijanis and Kurds in the Northwest, the Turkomans in the Northeast, or the Baluchis in the Southeast. These groups historically have resented the domination of the Persians and are known to be dissatisfied with their second-class status under Khomeini's harsh Islamic rule.

The fiercely independent Kurds, who have been fighting a bloody guerrilla war for greater autonomy since 1979, pose the greatest threat to Iranian sovereignty at this time. Iran's

¹⁹ Shahram Chubin, Soviet Policy Towards Iran and the Gulf, Adelphi Paper #157, International Institute for Strategic Studies, 1980, p. 3.

²⁰ W. Scott Thompson, "The Persian Gulf and the Correlation of Forces," International Security, Summer 1982, p. 166.

²¹ Jonathan Alford, "Soviet-American Rivalry in the Middle East: The Military Dimension," in Adeed and Karen Dawisha (eds.), The Soviet Union in the Middle East (New York: Holmes and Meier, 1982), p. 140.

²² Yearbook on International Communist Affairs 1982 (Stanford: Hoover Institution Press, 1982), p. 23.

three to four million Kurds are part of the largest national group in the Middle East without a state of its own. Up to 15 million more Kurds inhabit a swath of territory that straddles the borders of Turkey, Iraq, Syria, and the Soviet Union. Recent reports indicate that Soviet aircraft have dropped supplies to dissident Kurds inside Iran.²³

The Turkish-speaking Azeris, who comprise almost one-third of Iran's population, also offer Moscow fertile ground for subversion. Ayatollah Shariat-Madari, the leading Azeri theologian, has been under house arrest since anti-Khomeini rioting rocked Azerbaijan more than four years ago. The Azerbaijan Democratic Party, a pro-Soviet communist party, has grown stronger amid the chaos of revolutionary Iran. Radio broadcasts from Soviet Azerbaijan encourage a pro-Soviet brand of nationalism in what the Soviets refer to as "southern Azerbaijan." One of the late Soviet leader Yuri Andropov's protégés, Geidar Aliyev, recently told Western visitors that it was his "personal" hope that Iranian Azerbaijan would be united with its Soviet counterpart in the future.²⁴ The Soviets also may choose to meddle in Baluchistan, where they have provided arms to rebellious tribes in the past.

THE SOVIET UNION AND IRAQ

Moscow and Baghdad have enjoyed a strategic marriage of convenience off and on since the 1958 Iraqi revolution. The 1969 rise to power of the Ba'ath (Renaissance) party tightened the Soviet-Iraqi strategic embrace and led to the 1972 Treaty of Friendship, which loosely affiliated Iraq with the Soviet scheme of collective security. Between 1974 and 1978, Iraq became Moscow's largest Third World arms customer, taking delivery of \$3.6 billion of weapons.²⁵ Soviet-Iraqi relations deteriorated after 1978 due to Iraqi displeasure over Soviet support of the April 1978 coup in Afghanistan, Soviet backing of Ethiopian attempts to suppress the Moslem Eritrean separatists, Moscow's efforts to ingratiate itself with Iran's revolutionary regime, and the subversive activities of the Iraqi Communist Party (ICP). In addition, the Soviets disapproved of Iraq's growing economic ties with the West, its suppression of the ICP, and its rapprochement with the moderate Arab Gulf states.

The Iran-Iraq war strained Soviet-Iraqi relations as it became clear that Moscow preferred cultivating its influence with Iran to helping Iraq. But after the Iranians crossed into Iraq

23 Zalmay Khalizad, "Soviet Interest in Iran," New York Times, May 12, 1983, p. A-23.

24 Shahram Chubin, "The Soviet Union and Iran," Foreign Affairs, Spring 1983, p. 933.

25 Shahram Chubin, Security in the Persian Gulf: The Role of Outside Powers (London: International Institute for Strategic Studies, 1982), p. 78.

in July 1982, the Soviet Union tilted toward Iraq by resuming direct arms shipments which had been halted when hostilities began. Most recently, Iraq received Soviet SS-12 ground-to-ground missiles capable of striking targets 500 miles away.²⁶ Roughly 2,000 Soviet-bloc advisors work in Iraq. While Baghdad has diversified its sources of military equipment and is not as dependent on Moscow today as it was ten years ago, the embattled Hussein regime will be hard pressed to beat back repeated Iranian offensives without strengthening its ties to the Soviets.

If Baghdad should resist sliding further into a pro-Soviet alignment, the Soviets are in a position to use the ICP as a lever to pressure the Ba'athist regime or as a power base for installing a more pro-Soviet successor regime. In November 1980, the ICP formed a national front with two Kurdish groups--the Democratic Party of Kurdistan and the Unified Socialist Party of Kurdistan. This front has called for the overthrow of the Ba'athist regime and greater autonomy for the Kurds--roughly one-third of the Iraqi population.

Although the Soviet Union has not openly supported Kurdish nationalists in Iraq since 1972, Moscow's Kurdish option in Iraq, as in Iran, has not been abandoned and could be revived in the future.²⁷ The ICP gives the Soviets a direct channel into the Kurdish movement that could prove useful in setting up an independent Kurdistan in the event that Iran succeeds in installing a revolutionary Islamic regime in Baghdad. As long as Saddam Hussein clings to power, however, Moscow probably will be reluctant to antagonize its Iraqi partners, preferring instead to aid the ICP indirectly.

THE SOVIET THREAT TO THE ARAB OIL KINGDOMS

After Britain announced in 1968 that its forces would withdraw from all outposts east of Suez, Moscow temporarily stopped supporting subversive activities in the Gulf for fear of delaying the British withdrawal or prompting an American buildup in the area. Once the British had withdrawn in 1971, however, it was back to business as usual. Moscow pursued its time-tested two-track strategy of trying to establish good state-to-state relations while covertly forming links with revolutionary groups. The traditional societies of the Arab Gulf states were resistant to both approaches. Most of the deeply religious ruling elites rejected diplomatic relations with Soviet atheists and the closely knit tribal social structures rendered revolutionary activities difficult.

²⁶ Washington Post, January 25, 1984.

²⁷ See Aryeh Yodfat, "The Kurds: Policy Problem for Moscow," Soviet Analyst, December 23, 1982.

Kuwait was the only Arab Gulf kingdom to establish diplomatic relations with the Soviet Union, probably to buy insurance against Iraqi territorial claims. The Soviet Embassy in Kuwait quickly became Moscow's listening post on the Arab side of the Gulf. Moscow persistently has courted Saudi Arabia in an effort to reestablish diplomatic links that were suspended before World War II, but Riyadh has not yet succumbed.

The steep climb of oil prices in the mid-1970s and the subsequent influx of wealth into the Gulf states ushered in a period of rapid modernization that has been intrinsically destabilizing. The authority and legitimacy of traditional political systems has been undermined by rapid urbanization, social change, and cultural disorientation. The quantum jumps in oil income fueled an economic boom that attracted several million foreign workers, which further disoriented the indigenous populations. This gave the USSR potential allies in fomenting revolution in the Gulf.

Because of these trends, Moscow believes that time is on its side in the Gulf. Almost any change in government in the Gulf would be an improvement from Moscow's standpoint. It is not known to what extent the Soviets have penetrated the armed forces of the Gulf states, but it is known that they have made serious efforts. For example, Saudi officers who served with the Arab peacekeeping force in Lebanon in the mid-1970s were approached by Syrian agents of the KGB seeking to build a "Nasserist" faction in the Saudi army.²⁸

In the event of widespread civil disorders or revolution, the weak Communist parties of the Gulf states may be able to capture the mantle of revolutionary leadership, as the Bolsheviks did in Russia in 1917. The tiny Communist Party of Saudi Arabia, for example, already is trying to form a broad "fatherland front" of Saudi dissident forces from its headquarters in South Yemen.

Kuwait and Bahrain are perhaps the Gulf states most vulnerable to subversion. More than half of Kuwait's inhabitants are non-Kuwaitis, 30 to 40 percent are Shiites who are disproportionately represented in the poorer economic strata, and roughly 20 percent are Palestinians.²⁹ Close to 15 percent of Bahrain's population is non-Arab, mainly of Iranian descent. An abortive Iranian backed coup in December 1981 was believed to have been masterminded by an Iranian revolutionary thought to have connections with the KGB.³⁰ Though the outlawed National Liberation Front of Bahrain is reluctant to proclaim itself a communist party, it is treated as one in Soviet-sponsored international conferences.

²⁸ Robert Mo'ss, "Reaching for Oil: The Soviets' Bold Middle East Strategy," *Saturday Review*, April 12, 1980, p. 21.

²⁹ James Noyes, *The Clouded Lens* (Second edition, Stanford: Hoover Institution Press, 1982), p. 117.

³⁰ *Time*, October 25, 1982, p. 49.

THE SOVIET UNION AND SOUTH YEMEN

The only self-avowed Marxist state in the Arab world is South Yemen, an important Soviet strategic outpost on the southern tip of the Arabian peninsula. Together with pro-Soviet Ethiopia, South Yemen dominates the mouth of the Red Sea. The South Yemenis have transformed their country into a military base, terrorist training ground, and staging area for Soviet-bloc forces. Moscow has been given a naval base in the Perim Islands, access to the port of Aden, and an anchorage off the island of Socotra. Soviet aerial reconnaissance planes conduct long-range surveillance missions in the Indian Ocean from bases in South Yemen. Two Soviet MiG-25 squadrons use Yemeni airfields and Cuban, North Korean, and East German pilots operate with the Yemeni Air Force.

Approximately 5,000 Soviet-bloc advisors control the Yemeni armed forces and civil service bureaucracies. The East Germans run South Yemen's secret police, while the Cubans provide the backbone for a praetorian guard that shields the regime from its own people. Under Soviet guidance, South Yemen has become an international clearinghouse for terrorism. The Popular Front for the Liberation of Palestine (PFLP), a Marxist Palestinian splinter group, operates terrorist training bases in which Soviet-bloc advisors as well as Palestinians train a wide variety of terrorists from around the world.

South Yemen is Saudi Arabia's back door. The South Yemenis host leaders of the Communist Party of Saudi Arabia, Palestinian groups hostile to Riyadh's traditional leadership, and Saudi dissidents. According to Western European intelligence sources, 70 of the 500 men who seized the Grand Mosque in Mecca in 1979 were trained by Cubans with Soviet supervision at a PFLP camp in South Yemen. During the uprising, the South Yemeni army was mobilized along the Saudi border "apparently poised to intervene on the pretext of defending the Holy Places if the revolt showed signs of success."³¹

South Yemen is also a threat to the stability of North Yemen, which it has battled time and again over the years. Saudi Arabia fears that the South Yemenis will succeed in realizing their longstanding goal of unifying the two Yemens under Marxist leadership. Such a state would have almost twice the population of Saudi Arabia and could foment instability within Saudi Arabia by harnessing its more than one million Yemeni guest workers. The Saudis also fear that a united Yemen, backed by Soviet military aid, would attempt to retake territories ceded to Saudi Arabia under the resented 1934 Taif Treaty.

South Yemen also has supported actively the longstanding Dhofar rebellion against the Sultanate of Oman. The rebellion

³¹ Robert Moss, "What Russia Wants," The New Republic, January 19, 1980.

began as a tribal uprising in 1964, but was transformed into a "national liberation" struggle in the late 1960s, when Marxist radicals wrested leadership away from traditional tribal leaders and named the movement the Popular Front for the Liberation of Oman (PFLO). In 1970, the name was expanded to the Popular Front for the Liberation of Oman and the Arab Gulf, reflecting the escalating ambitions of the revolutionaries intent on imposing a Marxist dictatorship in other Gulf states. The rebellion was crushed by 1976 with the assistance of seconded British officers, Iranian troops, and Jordanian advisors. The remnants of the PFLO fled to South Yemen and still enjoy the "support of the Soviet people."³² South Yemen reached a limited detente with Oman in late 1982, but the PFLO remains in cold storage and may be activated again in the future.

U.S. POLICY AND THE SOVIET THREAT

When the British withdrew from east of Suez in 1971, the United States came to depend on the two pillars of Iran and to a lesser extent Saudi Arabia to guard stability in the Persian Gulf. Skyrocketing oil prices enabled the Shah to undertake a massive military buildup, but rapid modernization triggered economic dislocations and an Islamic backlash that led to his downfall. The 1979 Soviet invasion of Afghanistan gave rise to the Carter Doctrine, which proclaimed U.S. willingness to resort to military force to protect the Persian Gulf.

The U.S. Rapid Deployment Force (RDF) was formed to give teeth to U.S. policy. Its purpose is to deter a Soviet intervention in the Gulf by raising the costs and risks of such a move. The RDF faces three problems: inadequate strength, mobility, and access to bases in the Gulf region. The first problem is a function of the second, which is in turn complicated by the third. The Persian Gulf is 7,000 miles from the United States and only 1,100 miles from the Soviet border. To offset this geographical disadvantage, the Pentagon has stockpiled military supplies in the area and is working to upgrade its long-range aircraft and rapid sealift capabilities.

In strengthening the U.S. capability to defend the Persian Gulf, Washington should not undermine the political viability of existing pro-Western regimes. A large American military presence could trigger xenophobic feelings and an anti-colonial hysteria in Gulf states, subject to manipulation by anti-American groups and the Soviets. The British military presence in Egypt became a rallying point for Nasserists in the 1950s, and Ayatollah Khomeini initially rose to prominence as a political leader in Iran by leading opposition to the granting of extraterritorial legal rights to U.S. servicemen in Iran in the early 1960s.

³² Aryeh Yodfat, "Moscow and the Persian Gulf States," Soviet Analyst, February 9, 1983, p. 4.

The United States should devote the same effort to blunting pro-Soviet coups in the Gulf that it does to preparing for direct Soviet aggression, since coups are a more likely and less risky means of expanding Soviet influence. Local governments must take the primary responsibility for guarding against a coup, but the U.S. should advise friendly governments on techniques for reducing the success of coups.³³ A fast reacting American commando force might be very useful for keeping U.S. friends in power, but the U.S. should take a page out of the Soviet book and rely on local proxies when possible. For instance, a U.S.-backed Jordanian RDF could operate in the Gulf to check a coup without any of the cumbersome political baggage that would hamper an American operation. U.S. forces would then be free to concentrate on blunting direct Soviet threats rather than getting involved in the internal politics of the Gulf states.

The United States also needs to improve its intelligence-gathering capabilities in the Gulf region to be able to anticipate regional developments and future Soviet moves. Washington was hampered by poor intelligence on Iran before the revolution and on Lebanon before the bombing of the marine command post. Lack of good intelligence in a future Persian Gulf crisis could be even more costly to American interests.

Finally, the United States should stand ready to prevent the disruption of the flow of Gulf oil by local states as well as by the Soviet Union. Washington, together with London, Paris and friendly Gulf states, should prepare to defend freedom of navigation in the Strait of Hormuz if Iran makes good on its recent threats to bar the passage of oil tankers.

CONCLUSION

The threat posed by the Soviet Union to the Persian Gulf region is greater than ever because of its improved power projection capabilities, the erosion of Northern Tier barriers to Soviet access to the region, and Moscow's many opportunities to exploit local instability. The Soviet Union has encircled the Gulf with military strongholds and is biding its time for an opening in the center. Given the prevailing trends, the Soviets have little reason to rely on brute military force to kick open Gulf doors--these doors may be opened for them from the inside.

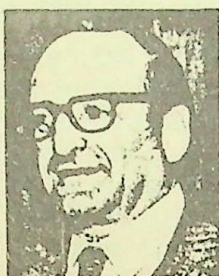
In defending the various houses of the Persian Gulf, the United States must not only keep an eye on the approaches to the Gulf but also be aware of activities within Gulf states. Washington should work as hard to secure the basement windows of Gulf houses against Soviet trespassing as it does to bar the front doors.

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³³ See Stephen David, "Coups and Countercoups," Washington Quarterly, Autumn 1982.

U.S. NUCLEAR STRATEGY IN EVOLUTION

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IN BRIEF

The Reagan Administration has been accused of radical departures from established U.S. strategic nuclear policy toward concepts of "warfighting" and "first strike." In reality, ever since the advent of intercontinental capabilities, U.S. strategic forces have been targeted, in significant measure, upon Soviet military forces and their supporting command structures. The essential evolution has been in U.S. declaratory policy, which has gravitated from the McNamara doctrine of Assured Destruction—that served as a convenient yardstick for "sizing" and budgeting U.S. nuclear forces—to the milestone of the Countervailing Strategy adopted by the Carter Administration and to current efforts to implement that basic strategy. The thrust of the evolution has been to carve out for the U.S. President a more credible range of operational, and thereby deterrent, nuclear options beneath the massive, spasmodic retaliatory response to aggression. The evolution has been prodded by a relentless Soviet strategic buildup, by technological advances, and by deeper insights into—and wider appreciation of—the essence of Soviet nuclear doctrine. President Reagan's summons toward a U.S. ballistic missile defense represents another logical (albeit long-range) step in that evolution.

There have been numerous commentaries on the Reagan Administration's alleged "radical" departures from the "traditional" objectives of U.S. nuclear strategy. Critics have charged that these changes mark a new and dramatic departure in strategic policy from the precepts of "deterrence" and "assured destruction" toward those of "warfighting" and "first strike." In fact, the use of such evocative but imprecise terminology obscures a more fundamental evolu-

tion of U.S. nuclear strategy that has taken place since the 1960s.

This article is an attempt to trace and illuminate this evolution. Specifically, three questions will be addressed: First, how much change has occurred in U.S. nuclear strategy? Second, what factors led to the changes? Third, what is their true significance?

The strategic policy of the United States has been gradually shifting away from strategic deterrence based on the threat of massive

retaliation against Soviet urban and industrial areas toward an emphasis on U.S. response options commensurate with the level and kind of potential Soviet aggression. A milestone in this trend in declaratory policy has been the "Countervailing Strategy" that was given currency by former Secretary of Defense Harold Brown and officially endorsed by Presidential Directive (PD) 59 in 1980. According to Secretary Brown's FY 1981 Report to the Congress:

We have concluded that if deterrence is to be fully effective, the United States must be able to respond at a level appropriate to the type and scale of a Soviet attack. Our goal is to make a Soviet victory as improbable (seen through Soviet eyes) as we can make it, over the broadest plausible range of scenarios.

... We must be able to deter Soviet attacks of less than all-out scale by making it clear to the Kremlin that, after such an attack, we would not be forced to the stark choice of either making no response or totally destroying the Soviet Union.

The Reagan Administration has demonstrated continued adherence to the precepts of the Countervailing Strategy, if no longer under that explicit label. Consider, for example, the following statement about the Administration's nuclear policies by Under Secretary of Defense Fred Iklé, writing in the Fall 1983 issue of *Strategic Review*:

Our aim continues to be, of course, to prevent nuclear wars, not to fight them. Yet, we recognize—especially in light of explicit Soviet views on nuclear strategy—that in a crisis we are not likely to command a credible deterrent if we do not have survivable and flexible forces capable of carrying out their missions in ways rationally compatible with our national interest. A threat that would constitute an irrational act, if carried out, is not a credible deterrent. Putting ourselves in a position to respond selectively to limited nuclear attacks can help make nuclear attack—of any kind—less likely.

The Genesis of the Countervailing Strategy

The basic concepts which underlie current strategy have been publicly expressed in one form or another by U.S. defense decision-

makers beginning with Defense Secretary Robert McNamara's famous Ann Arbor speech in 1962, in which he suggested a "counterforce"/"no-cities" strategy. McNamara announced that in the event nuclear deterrence were to fail:

The United States has come to the conclusion that, to the extent feasible, basic military strategy should be approached in much the same way that more conventional military operations have been regarded in the past. That is to say, principal military objectives, in the event of a nuclear war... should be the destruction of the enemy's military forces, not his civilian population.

In a subsequent speech before the American Bar Foundation in Chicago that same year, McNamara elaborated on the application of "flexible response" to the strategic nuclear arena:

... Our forces can be used in several different ways. We may have to retaliate with a single massive attack. Or, we may be able to use our retaliatory forces to limit damage to ourselves, and our allies, by knocking out the enemy's bases before he has time to launch his second salvos. We may seek to terminate a war on favorable terms by using our forces as a bargaining weapon—by threatening further attack. In any case our large reserve of protected firepower would give an enemy an incentive to avoid our cities and to stop a war. Our new policy gives us flexibility to choose among several operational plans. . . .

While this concept of "counterforce" was later deemphasized by McNamara in his public statements in favor of what he termed "Assured Destruction," nevertheless it persisted in U.S. strategic war plans. The fact is that ever since the early 1960s a significant portion of U.S. strategic forces has been allocated to the attack of military targets. Defense Secretary Harold Brown described the historical record in his FY 1981 Report:

For nearly 20 years, we have explicitly included a range of employment options—against military and nonmilitary targets—in our strategic nuclear employment planning. Indeed, U.S. nuclear forces have always been

designed against military targets, as well as those comprising war-supporting industry and recovery resources. In particular, we have always considered it important, in the event of war, to be able to attack the forces that could do damage to the United States and its allies.

McNamara's declaratory shift from so-called damage-limiting options to Assured Destruction criteria was in no small part motivated by practical and budgetary considerations. Thus, he explained to a joint meeting of the Senate Armed Services Committee and Defense Appropriations Subcommittee in February 1965 that "assured destruction, i.e., the capability to destroy the aggressor as a viable society, even after a well-planned and executed surprise attack on our forces," was to some extent quantifiable and not subject to significant change over time. Consequently, definite ceilings could be established with respect to U.S. strategic forces and the defense expenditures supporting them. On the other hand, averred McNamara, projected improvements in the survivability of Soviet forces—missiles deployed in dispersed, hardened silos and submarines at sea—would render U.S. counterforce attacks progressively more difficult. U.S. forces capable of executing successful strikes on Soviet strategic forces would, therefore, have to grow in size and expense—and even then, the Secretary believed, such U.S. force improvements could be countered relatively cheaply and easily by the Soviets.

While McNamara thus focused on Assured Destruction as setting the criteria for sizing U.S. strategic forces, those criteria were also scaled conservatively to the requirements of countering a "worse-than-expected" Soviet threat. Inasmuch as the actual Soviet strategic threat for some years ranged below the "worst-case" contingency level, the consequence was in effect a surplus of U.S. strategic forces beyond those required for Assured Destruction targeting. This surplus gave the United States, for nearly a decade, the potential means of conducting a variety of limited attack options without impinging upon Assured Destruction capabilities. Thus, notwithstanding McNamara's increasing emphasis on Assured Destruction criteria, in fact U.S. war plans continued to target Soviet forces and to

incorporate a variety of attack options. Again to cite Harold Brown, this time in his FY 1982 Report: "Although for programming purposes, strategic forces were sometimes measured in terms of the ability to strike a set of industrial targets, we have always planned both more selectively (for options limiting urban-industrial damage) and more comprehensively (for a wide range of civilian and military targets)."

Yet, the heavy stress on Assured Destruction criteria under McNamara did impact eventually on U.S. strategic force capabilities. Over time, the forces tailored to those criteria became less and less capable of carrying out a variety of additional options.

The Nixon Years

President Nixon, in his annual Foreign Policy Review of February 25, 1971, revived the flexibility theme in U.S. declaratory policy with respect to strategic weapons and strategy. In this report, which was drafted largely by National Security Adviser Henry A. Kissinger and his staff, President Nixon stated:

... I must not be—and my successors must not be—limited to the indiscriminate mass destruction of enemy civilians as the sole possible response to challenges. We must insure that we have the forces and procedures that provide us with alternatives appropriate to the nature and the level of the provocation. This means having the plans and command and control capabilities necessary to enable us to select and carry out the appropriate response without necessarily having to resort to mass destruction.

Melvin Laird, Nixon's Defense Secretary, echoed the President's concerns in testimony before the Armed Services Committee in February 1972:

In order to maintain needed flexibility, we design our forces so that we have strategic alternatives available for use depending on the nature or level of provocation. This means capabilities that enable us to carry out an appropriate response without necessarily resorting to mass urban and industrial destruction.

These statements thus heralded a return of U.S. declaratory policy to concepts of "flexible

response" and "counterforce." The practical reality of this shift, however, turned out to be far less pronounced than it appeared to the public-at-large, because it was not fully reflected in the procurement policies of the Nixon Administration.

One reason for this was that the United States and the Soviet Union were converging on the SALT I strategic arms limitation agreements. Many in the United States believed that the emerging agreements signaled an acceptance by both superpowers of deterrence based on the concept of "Mutual Assured Destruction" (MAD). This judgment later proved to be incorrect with respect to the Soviet Union.

As was noted earlier, the major virtue of Assured Destruction was its simplicity. The policy demanded a finite, calculable number of surviving warheads to destroy a predetermined portion of Soviet industry and population following a Soviet first strike on U.S. strategic forces. Thus, it was possible to set budgetary limits on strategic procurements. Flexible response strategies, on the other hand, were amenable to no such estimates and were criticized in the United States as open-ended in their force-level and budgetary implications. Strategic analysts assumed that if both the Soviet Union and the United States adhered to Assured Destruction criteria and did not pursue strong counterforce capabilities, the strategic balance would remain stable and the strategic budgets predictable. MAD became the fundamental premise of the United States negotiating approach to SALT I, in particular to the ABM Treaty.

The vice of Assured Destruction was its rigidity in the face of rapidly growing Soviet strategic capabilities and its inability to adjust to emerging technologies. As the Soviet strategic arsenal grew in size and sophistication, along with continuing Soviet efforts to improve their strategic defenses, the credibility of U.S. deterrent forces based on Assured Destruction steadily dwindled. Indeed, the fear took root that a deterrent strategy limited in its employment alternatives to massive countervalue attacks could well become a self-deterrent in the face of many forms of potential aggression.

President Nixon and his defense advisers recognized this problem even while the United States negotiated a SALT treaty essentially

based on MAD. This dichotomy in U.S. thinking persisted through the SALT I negotiations. Yet, it became increasingly apparent that the Soviets were not followers of the MAD concept. Even though they occasionally used language that could be interpreted as supportive of MAD, this betokened a negotiating tactic rather than strategic policy. The Soviets' continued heavy investment in counterforce-capable offensive forces and in air, civil and ballistic missile defenses hardly mirrored an *operational* acceptance of deterrence based on Mutual Assured Destruction.

NSDM 242

Nixon's 1971 statement eventually led to a major review of U.S. nuclear strategy, and specifically U.S. nuclear targeting policy. This review was initiated by Secretary of Defense Melvin Laird and carried out under Dr. John Foster, then Director of Defense Research and Engineering. Eventually, the Foster study became an interagency effort under NSC auspices—NSSM-169. The result of this review was the promulgation by President Nixon of NSDM-242. In early 1975, elements of the strategy set forth in NSDM-242 were publicly revealed by the then Secretary of Defense, James Schlesinger, and thus it came to be known popularly as the "Schlesinger Doctrine."

The first element of the Schlesinger Doctrine was the concept of *escalation control*. In the event of a failure of deterrence and the outbreak of nuclear hostilities, U.S. objectives would be to influence the scale of nuclear force used in order to limit damage to the United States and then attempt rapidly to terminate the conflict on terms favorable to the United States and its allies. These goals required that the President have recourse to a range of attack options covering a variety of contingencies. At the time of President Nixon's 1971 statement, the U.S. strategic plan contained only a few attack options, each entailing the use of many hundreds of weapons. In his FY 1975 Report to Congress, Secretary Schlesinger explained that U.S. war plans had changed very little since the McNamara years: "We actually added several response options to our contingency plans in 1961 and undertook the retargeting necessary for them. However, they all involved large numbers of weapons."

NSDM-242 led to a further expansion in the number and scope of nuclear options. The desired effect was to increase substantially the President's latitude in dealing with potential conflicts. Limited nuclear options involving the employment of several to several hundred weapons would enable the President to counter Soviet aggression at an appropriate level, rather than be forced to consider only a large-scale retaliatory response. As Schlesinger argued in his FY 1975 Report:

... It quickly becomes evident that there are many ways other than a massive surprise attack in which an enemy might be tempted to use, or threaten to use, his strategic forces to gain a major advantage or concession. It follows that our strategic forces and doctrine must take a wide range of possibilities into account if they are to successfully perform their deterrence functions.

It should be noted that many of these options were counterforce in nature, to be directed against military targets, both nuclear and nonnuclear.

A second element of the Schlesinger Doctrine was the concept of a *secure reserve force*. In his FY 1975 Report, the Secretary noted: "With a reserve capability for threatening urban-industrial targets... we could implement response options that cause far less civilian damage than would now be the case."

The emphasis given to controlling escalation and to bringing a nuclear war to a rapid conclusion implied the importance of withholding certain forces from early exchanges in order to influence trans- and post-attack bargaining. The concept of a secure reserve force provided for specifically earmarked weapons that would generally not be expended in the initial strikes. Rather, the force would be held back to influence the bargaining process. Forces held in reserve would clearly have to be highly survivable. The existence of such a U.S. reserve could give an opponent powerful incentives to terminate hostilities.

Third, NSDM-242 specified that if escalation could not be controlled, the United States should target its remaining forces so as to *impede Soviet recovery*. This was a first attempt at the official level to set a postwar objective for the United States in a general nuclear war. Rather than simply launch a spasmodic attack on Soviet cities or population, with the aim of

achieving as many casualties or as much overall industrial damage as possible, NSDM-242 called for the U.S. to target Soviet industrial power so as to cripple recovery efforts. The goal of targeting to impede Soviet recovery was to place the United States in a position where, even after a general nuclear war, the latter could reconstitute itself as a viable national entity more rapidly than the Soviet Union.

For technical and political reasons, the doctrine embodied in NSDM-242 was never fully implemented. Technically it proved enormously difficult to develop detailed U.S. strike plans that offered defense decisionmakers high confidence in achieving the objectives outlined above. A critical shortcoming was that the existing command, control and communications system lacked sufficient endurance to assure control of the reserve force after an initial nuclear exchange.

Furthermore, NSDM-242 was limited in that it focused on nuclear *targeting* and failed to address the full range of actions and issues that would arise in a nuclear war. What would be happening to other than strategic nuclear forces? How would the ravages of war affect U.S. society? What role, if any, might defense play? These questions were not stated and remained unanswered, although they bear significantly on U.S. conduct in a nuclear war.

The political reason revolved around the demise of the Nixon Administration. The events that culminated in Watergate and the resignation of President Nixon began shortly after NSDM-242 was issued. The men at the highest level of the Administration became heavily preoccupied with the scandal. As a result, the necessary attention was not devoted to developing details of the doctrine. Thus, planners were left with a policy vacuum, and there was considerable uncertainty about how to translate broad policy guidelines into specific plans.

During the brief tenure of the Ford Administration there were no major new initiatives in nuclear strategy. NSDM-242 remained U.S. policy and planners labored to implement it as best they could.

Evolution of PD-59

This was the situation that the Carter Administration found when it began to examine U.S. defense policy in 1977. In August the new Administration completed its initial review

and issued a document known as Presidential Decision (PD) 18. Insofar as strategic nuclear policy was concerned, this document endorsed the retention of NSDM-242 pending further review. PD-18 ordered studies on targeting policy, the secure reserve force (particularly the C³I required to support it), and counterforce capabilities (focusing eventually on the requirements of MX and its basing mode.)

The PD-18 studies made defense decision-makers aware of new developments in the strategic arena. For example, and perhaps most importantly, there was an extensive survey of Soviet nuclear doctrine and plans, including recent developments in their defensive programs. This review engendered a new appreciation of probable Soviet objectives and operations in a nuclear conflict. Policymakers came to share more widely conclusions that had long been advanced by a number of expert observers of the Soviet Union: namely, that Soviet decisionmakers considered victory to be possible in a nuclear war and that they were actively preparing to achieve such a victory, should a nuclear war occur. Acknowledgement of these Soviet views at senior levels of the U.S. Government had a profound influence on the strategy that ultimately emerged in PD-59.

The PD-18 studies also prompted defense policymakers to focus on the possibilities of protracted nuclear war. While the study of Soviet doctrine indicated a preference in the Kremlin to reap the fruits of war without overt aggression—and that, if nuclear war occurred, the Soviets intended it to be short, decisive and in their favor—it also suggested that Soviet planners did not neglect the possibility that nuclear conflict might be prolonged. Given the sizes of forces on both sides and the increasing emphasis in both U.S. and Soviet doctrines on strategic reserves, it seemed highly plausible that substantial nuclear and conventional forces would remain even after a large-scale nuclear exchange. The actions and interactions of these forces would have to be taken into account in the development of our strategic war plans.

What seemed needed in particular were reasonable and rational political-military objectives for the employment of U.S. forces. Furthermore, many U.S. strategists believed that Soviet leaders would not relish the prospect of a prolonged war in view of the uncertainties and political dangers that such an extended

conflict might pose to their regime. Thus, it was projected, Soviet perceptions that the United States could engage in protracted war would reinforce our ability to deter Soviet aggression.

The thinking on prolonged war led to a redefinition of the secure reserve force. In a scenario of protracted conflict, forces held in reserve would ideally be employed in a controlled manner as the war unfolds. Consequently, intense consideration was given to C³I support requirements. Emphasis was placed on providing long-term *endurance* for strategic C³I and, initially, to make C³I at least as survivable as the strategic forces they support, as opposed to the less demanding task of ensuring the survival of C³I for only the brief period necessary to release a single, large-scale nuclear response after a Soviet first strike.

The PD-18 review deemphasized the NSDM-242 concept of targeting to impede recovery. Studies undertaken between 1975 and 1978 highlighted the extreme difficulties inherent in determining with any confidence how recovery would progress after a large-scale nuclear attack. The problem of recovery from a large-scale nuclear war was simply not well understood, and targeting to impede recovery was thus deemed a largely unimplementable warplanning objective.

What was clear, however, was that massive and, perhaps, continuing attacks would be necessary in order to slow recovery. These attacks would require the expenditure of nuclear forces that might otherwise be held in reserve to influence intra-war bargaining and conflict termination. Instead of targeting to impede recovery, economic targeting focused on the better understood problems of destroying logistics and industries providing immediate support to the enemy war effort.

During the 1975–1978 period other studies were conducted, under NSC auspices, on such problems as civil defense, continuity of government and defense communications in nuclear war. Some of the thinking about enduring C³I was reflected in PD-53 on national telecommunications, which was publicly released several months before the issuance of PD-59. Thus, the scope of the Carter Administration's overall review of strategic policy was both broader and more detailed than the earlier NSSM-169 effort.

As a consequence of this review, increased

emphasis in U.S. nuclear employment policy was given to the targeting of enemy military forces and political-military leadership. As was previously noted, the Soviet military structure had always been targeted in U.S. nuclear war plans. NSDM-242 had emphasized attacking Soviet nuclear forces. The Carter Administration's studies focused greater attention on destroying Soviet general purpose forces and the Soviet command structure and suggested more effective methods of targeting these military objectives.

Finally, as the Carter Administration's review of U.S. nuclear policy progressed, distinctions previously drawn between strategic and theater nuclear forces underwent a redefinition. For years "strategic" forces were defined in terms of their intercontinental range and inclusion in the SIOP; "theater" forces were shorter-range, based overseas and under the custody of theater commanders. Technological, operational and strategic developments rendered these old definitions increasingly irrelevant. It was becoming clear that nuclear forces ought to be considered as a continuum. For example, limited attack options could incorporate intercontinental forces, theater-based forces or both. The stationing of long-range theater nuclear forces (principally Pershing-2 and ground-launched cruise missiles) in Europe and the pending deployments of sea-based, land-attack cruise missiles will further blur the traditional line of distinction between strategic and theater nuclear forces.

Secretary Brown stressed the role of the Countervailing Strategy in prewar deterrence. The principal focus of the strategy—denial of Soviet objectives, as the Soviets perceive them—was based on an assumption that improved U.S. nuclear capabilities and war plans would implant sufficient uncertainty in the minds of Soviet leaders about the outcome of a nuclear war to deter them from aggressive actions that might escalate to such a conflict. The Countervailing Strategy did not require U.S. superiority in forces: "essential equivalence" was deemed adequate. However, from a personal perspective Brown was never confident about the prospects of controlling a nuclear war or keeping it limited once it broke out. He iterated this point in his FY 1982 Annual Report, his last as Secretary of Defense: "... I remain highly skeptical that escalation

of a limited nuclear exchange can be controlled, or that it can be stopped short of an all-out massive exchange."

Indeed, it should be noted that there are others beside Harold Brown who support the Countervailing Strategy as a means of reinforcing deterrence but who continue to evince skepticism about the real feasibility of escalation control or about the proposition that either side can emerge from a nuclear war with a meaningful victory.

Developments in the Reagan Administration

In essence, the Reagan Administration, for its part, has accepted PD-59 and turned its attention to the implementation of the strategy, particularly with respect to procuring the forces and C³I required to support it. While the terminology of current declaratory policy differs somewhat from its predecessor, the strategic logic adopted by the Reagan Administration denotes essentially a continuation of the policy evolution described above.

The early rhetoric of the Reagan Administration may have led some to infer greater emphasis on developing a capability to fight prolonged nuclear wars. Yet, Secretary Weinberger, in his FY 1984 Annual Report, stresses the deterrent role of nuclear weapons and addresses current U.S. nuclear policy in a manner that seems to echo strongly the earlier pronouncements of Harold Brown. Weinberger described the highest priority national security objectives of the Reagan Administration as follows:

- To deter military attack by the USSR and its allies against the United States, its allies, and other friendly countries and to deter, or to counter, use of Soviet military power to coerce or intimidate our friends and allies.
- In the event of an attack, to deny the enemy his objectives and bring a rapid end to the conflict on terms favorable to our interests, and to maintain the political territorial integrity of the United States and its allies.

Two important innovations, however, are worth noting. First, a document called the Defense Guidance has been greatly expanded by the Reagan Administration. It embraces a comprehensive and detailed statement of defense policies, including those dealing with strategic weapons. Its main themes are reflected in the unclassified Defense Reports

submitted to Congress by Secretary Weinberger for FY 1983 and 1984.

Second, a detailed plan calling for an integration of employment and acquisition policies is being developed to describe the systems and operational plans necessary to carry out the policy. One purpose is to assure that any ambiguities in policy guidance are clarified. This planning process is moving slowly, but the important point is that procedures have been implemented to assure that, so far as possible, the policy is carried out in the way that is intended by national decisionmakers.

Factors Prompting the Evolution

The preceding pages have indicated some of the major motivations, developments and forces behind the evolution of official U.S. nuclear strategy. For the sake of clearer hindsight, as well as a better understanding of the current stage of the evolution, it is useful to summarize those influencing forces.

Three factors have dominated the evolution. The first has been the changing nuclear balance. Since the early 1960s, the Soviet Union has vastly expanded its strategic forces and improved their quality. At the same time, Soviet theater nuclear forces became comparable in numbers and capabilities to those of the United States. Under these conditions, the threat of a massive U.S. nuclear retaliation in response to any act of Soviet aggression no longer seemed a credible deterrent. Even if very vital interests of the U.S. were at stake, a U.S. President might well hesitate to use nuclear weapons in a massive counter-value attack if the adversary retained the capabilities to retaliate in kind.

Clearly, in lesser contingencies Assured Destruction was even less likely to be credible to the Soviets, to our allies, or to us. Indeed, the credibility of a strategy of massive response paled first and foremost in its relevance to the U.S. "extended deterrent" over our allies. Assured Destruction threatened to be turned from a deterrent of Soviet aggression to a self-deterrent of U.S. responses, with a consequent potential for Soviet exploitation in peace and crisis.

The second factor involved changes in technology. The development of highly accurate, individually-targeted multiple warheads made limited options appear more feasible. This was an important factor that influenced the Nixon

Administration's consideration of limited nuclear options. To be sure, there was no evidence at that time that the Soviets shared a similar interest in selective strikes and escalation control. Indeed, their writings and specific reactions to the Schlesinger Doctrine denigrated the concepts of limited war and suggested that any Soviet nuclear attack against the continental United States would be massive. Yet, Soviet rhetoric is not necessarily a promise of how they would actually react to a crisis or conduct a nuclear war. It also appeared that the Soviets did not plan to target cities *per se* and would retain substantial reserves after their initial attack. Thus, even though the Soviet Union did not seem to subscribe completely to U.S. thinking about limited nuclear options, there was a common emphasis on counterforce targeting and reserve forces.

The third factor was a wider appreciation in Washington of Soviet views on nuclear war. This understanding was derived from Soviet strategic programs, as well as their doctrinal writings. In addition to the intense pursuit of counterforce capabilities in their offensive forces, the expansion of Soviet air defense, their extensive passive defense programs, including civil defense, their continued large R&D efforts in ABM and the development of a Soviet anti-satellite capability bore convincing testimony that the Soviets were doing their best to prepare to defeat an enemy militarily and survive as a national entity in the event of nuclear war.

The Significance of the Evolution

As one looks back over the past two decades, changes in U.S. nuclear strategy, although incremental and evolutionary, have had a significant, cumulative effect.

One major consequence is that, since 1971, the public statements of senior U.S. defense officials have increasingly brought declaratory policy into line with actual targeting policy. We have targeted Soviet military forces and leadership for decades—even during the time when Secretary McNamara emphasized Assured Destruction criteria. The United States now makes this policy explicit. Moreover, each administration in the past decade has taken concrete steps to make that targeting more effective.

Second, the U.S. concept of deterrence has matured. Deterrence is no longer deemed

distinct from—or antagonistic to—the capability to conduct nuclear war operations. Current U.S. strategy recognizes that credible operational capabilities are essential to effective deterrence. Not all American strategists are comfortable with this concept. There is still nostalgia, however unrealistic, for a simpler world in which deterrence was based principally on Assured Destruction, with populations as the principal hostages. Yet, the declaratory strategic policies of at least the past four administrations have made explicit both a U.S. decision to acquire plans and capabilities which (if required) can conduct operations in a nuclear war, as well as an understanding that such plans and capabilities serve to dissuade an adversary from aggression more effectively than those suggesting an essentially blind and potentially suicidal act of massive retaliation.

Third, there is now consistent guidance for U.S. nuclear employment policy and the acquisition of weapons systems and C³I to support that policy. Even during the Nixon Administration a conscious effort was made to separate employment and acquisition policy, mainly because of concerns about the budgetary impact of their linkage. Secretary Brown made clear in a speech before the Naval War College in August 1980 that the Countervailing Strategy was to govern both policies: "The doctrinal and planning measures we are taking—coupled with our force modernization programs—improve the effectiveness of our strategic forces across the full range of threats." This view has been reinforced by the Reagan Administration's approach to strategic modernization, particularly in the acceleration of procurement for both forces and supporting C³I.

Finally, the United States has reexamined the issues related to hard-target kill capability. The concept of a deterrent based on an ability to conduct nuclear war operations provides a strong rationale for such a capability, given the hardness of many Soviet military and leadership targets.

The acquisition of a hard-target kill capability, however, raises important strategic issues. A combination of the capability to destroy hard targets and large-scale deployments of MIRVed systems creates, at least in theoretical terms, the wherewithal for a first-strike capability. This is deemed by most strategists to

be "destabilizing." Fear of a first strike engenders incentives toward preemption, and accurate, MIRVed systems thus become a potentially destabilizing factor in the strategic balance. It was this realization that prompted the Scowcroft Commission, for example, to suggest a combination of strategic programs and arms control measures that could reduce such instabilities. Yet, it must be remembered that it is the Soviets who have forged ahead in first-strike capabilities over the past decade, thus disrupting the nuclear balance.

The question, moreover, is not simply one of strategic stability. From the standpoint of target-planning, the United States requires improvement of hard-target attack capabilities so long as the Soviets continue to build extremely hard military installations, including missile silos and command centers. Nor can the United States be complacent or unresponsive to a unilateral Soviet advantage in hard-target kill capability. To cite again Secretary Brown in his FY 1981 Annual Report to the Congress: "We do not seek to take away from the Soviets their basic second-strike capabilities. But we will not permit them to take away ours. We insist on that kind of essential equivalence, and are dedicated to achieving it...if necessary by unilateral means; hence the MX program."

This issue has changed somewhat with the U.S. decision to deploy accurate cruise missiles which will have a counterforce capability. Today the key questions are: Is there need for a *quick-response* hard-target capability? If so, how much of such a capability is required? For what political-military purposes is it to be used? These questions lie at the heart of the continuing debate over the MX program. They involve political as well as military considerations. For example, does the United States require MX as a "bargaining chip" in arms control? How important are perceptions of strategic equivalence in the peacetime actions of third parties? These issues were not resolved by the adoption of PD-59, and they remain today.

What Next?

How is U.S. strategic policy likely to evolve in the next decade? A truly revolutionary proposal emerged from President Reagan's speech of March 23, 1983, in which he called for research and development toward a ballistic

missile defense for the entire United States, to be deployed in the indeterminate future.

Notwithstanding the controversy triggered by the President's proposal, he was pointing to a prospect that is at best many years away from possible fruition. Even if the ideas contained in the March 23 speech became official policy of the U.S. Government, and the United States embarked on a serious program to incorporate defenses into its strategic posture, the process of change will be a gradual one. The above discussion of U.S. nuclear strategy has made it amply clear that the goals set in official policy documents and declaratory statements are translated into actual strategic capabilities and integrated into U.S. war plans only after a long period of gestation.

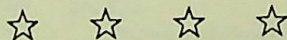
To be sure, even under a long-range ballistic missile defense (BMD) program aimed at the achievement of "low-leakage" capabilities, certain systems will emerge beforehand which may offer partial means of protecting a more limited range of targets in the United States. The incremental introduction of these intermediate defense capabilities would alter only gradually the existing strategic environment, which for many years to come will continue to be dominated by offensive forces and the deterrence calculations based upon them. Yet, in the meantime the emergence of defensive systems that are less than perfect nevertheless may improve deterrence by heightening uncertainties in the minds of Soviet planners about their ability to achieve their military objectives.

Indeed, with the loss of U.S. superiority in strategic forces, deterrence has come increas-

ingly to be associated with the element of Soviet uncertainty regarding the nature and scope of a U.S. response to aggression, rather than the certainty of that response which was implicit in Assured Destruction. This gradual shift has been reflected in an operational emphasis in U.S. nuclear weapons employment policy on the denial of Soviet war objectives.

The Countervailing Strategy sought to deny Soviet objectives by threatening to destroy the means of Soviet power—their political and military control apparatus, power projection forces and nuclear capabilities—with U.S. strategic offensive forces. A U.S. strategy incorporating defenses could be seen as adding another dimension to this denial function. In this respect, it would mark a further step in the evolution of U.S. nuclear policy, consistent with the historic U.S. objective of maintaining a stable deterrent.

Meanwhile, the United States faces the more immediate problem of squaring its strategic policy with actual capabilities-in-being. As we have shown, that policy has developed in a way that has placed growing demands on strategic forces and C³I. At the same time, the strategic threat posed by the Soviet Union has expanded dramatically. Major gaps have opened between the stated objectives of strategic policy and the capabilities required to carry it out. The current Administration is making a major effort to address this problem. Yet, over the next several years, it will become ever more urgent to redress the imbalance between stated doctrine and existing capacity—by further improving strategic capabilities, by adjusting policy objectives and doctrine or by some combination of the two.



4/15

The Gandhi Revival—A Review Article

MARK JUERGENSMEYER

Considering the sum total of its Indian and Western audiences, Richard Attenborough's *Gandhi* has become the most widely viewed cinematic portrayal of the man and one of the most widely seen films in history. It has accompanied a renaissance of interest in Gandhi that has been growing for several years, fueled in the West by the use of Gandhian techniques in the protests against nuclear weapons, and in India by the adoption of Gandhian social ideas in the radical wing of the Sarvodaya movement.

One result of this revival of interest has been a proliferation of Gandhian studies. At Delhi University, for example, the Department of Political Science has recently added an M.A. program in Gandhian politics, and at Harvard, Chicago, Wisconsin, Berkeley, and scores of other American campuses, courses featuring Gandhi have cropped up in the last few years. A spate of new books has been brought out and old books have been reissued to meet a growing public and academic demand. One might ask whether this is just a temporary phenomenon or whether the interest will be sustained, and whether the approaches to the study of Gandhian themes that are currently being developed are ones that will endure. In this article I shall look at the phenomenon and the literature and try to assess the field of Gandhian studies as a whole.

Why does the figure of Gandhi continue to be such a source of fascination? Attenborough's film supplies one answer, for it presents the picture of a lone moral individual triumphing over the conventional forces of authority in society. This image of moral strength outweighing conventional strength is the stuff of which the classic Western adventure tale is made. It is the cowboy, the space hero, and all those cinematic incarnations of Jesus and Moses. This moral conqueror is also to be found in a certain kind of Indian heroic archetype: the noble renunciant who defies dharmic propriety for the sake of a higher spiritual truth. It is a mold shaped by the tales of the gods—both Shiva and Krishna defy convention for their own divine purposes—and it is a mold into which the movie image of Gandhi snugly fits.

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Gandhi. Produced and directed by Sir Richard Attenborough. Distributed by Columbia Pictures, 1982.

Tolstoy and Gandhi, Men of Peace: A Biography. By Martin Green. New York: Basic Books, 1983. 319 pp. \$23.50.

Sarvodaya: The Other Development. By Detlef

Kantowsky. Delhi: Vikas Publishing, 1980. 228 pp. \$20.

Dharma and Development: Religion as Resource in the Sarvodaya Self-Help Movement. By Joanna Macy. West Hartford, Conn.: Kumarian Press, 1983. 102 pp. \$13.75 (cloth); \$6.75 (paper).

Gandhi and the Contemporary World: Studies in Peace and War. Edited by K. P. Misra and S. C. Gangal. Delhi: Chanakya Publications, 1981. 233 pp. \$16.

The Philosophy of Gandhi: A Study of His Basic Ideas. By Glyn Richards. New York: Barnes and Noble, 1982. 200 pp. \$18.50.

One might argue that no one fostered this image more fervently than the Mahatma himself. This striving for moral perfection frequently protrudes from the pages of Gandhi's *An Autobiography: The Story of My Experiments with Truth* (Boston: Beacon Press, 1957). And in this sense, the movie is true to the spirit of the man, even if it may fudge a bit with some of the historical details. My guess is that if Gandhi had seen the film he would have been pleased. The movie, like Gandhi's own writings, pictures him as a reluctant saint in search of a cause. The question that remains is whether the image is an adequate interpretation of the man and his meaning, and this question lies behind much of the literature of Gandhian studies.

Landmarks in the Field

According to *Publishers Weekly* there are over 400 biographies of Gandhi alone, and many interpretive works besides. Most of this mass of Gandhiana is hagiography, and reading it is rather like reading the lives of the saints. There are, however, two categories of Gandhian books worth considering more seriously: those that attempt to place Gandhi in a historical or intellectual context, and those that try to clarify what Gandhi was about. In each category there are landmark works.

Gandhi is remembered as the central figure in India's nationalist movement, and many of the historical studies of the man analyze his role in the critical period of India's emergence as an independent nation. Important works in this area include Judith Brown's *Gandhi's Rise to Power* (London: Cambridge University Press, 1972) and *Gandhi and Civil Disobedience* (London: Cambridge University Press, 1977), both of which meticulously detail the ways in which Gandhi was able to forge political linkages on local and regional levels. But how could such a shy man capture the imagination of the masses? Probably the best answer to this question is Lloyd I. and Susanne Hoeber Rudolph's section on Gandhi in *The Modernity of Tradition*, a long essay that has been reissued under the title *Gandhi: The Traditional Roots of Charisma* (Chicago: University of Chicago Press, 1983). The Rudolphs' splendid essay shows that Gandhi was able to fuse a traditional Hindu image of saintliness with the modern role of a political broker, and it remains a standard for studies of Gandhi as a political actor.

The central historical task is that of properly telling and interpreting the story of Gandhi's life. Despite the plethora of attempts, no single biography of Gandhi may be called definitive. Multivolume works written by Gandhi's former colleagues and published in India are comprehensive in scope, but their objectivity suffers from the authors' reverent regard for their subject. This appreciative tone also characterizes the biographies of Gandhi that are most popular in the West, but some attain a standard of objectivity that makes them stand out. I would say that the most evenhanded presentations are to be found in two works: B. R. Nanda's reliable *Mahatma Gandhi, A Biography* (London: Allen and Unwin, 1958) and Geoffrey Ashe's intelligently written *Gandhi* (New York: Stein and Day, 1968).

Historical research on Gandhi has been greatly aided by two series of publications. One is the Indian government's monumental project of collecting and indexing all of Gandhi's writing—including his essays, interviews, and letters. Some eighty volumes of *The Collected Works of Mahatma Gandhi* (New Delhi: Publications Division, Ministry of Information and Broadcasting, Government of India, 1958 to the present) have been published, and the task is not yet complete. The other useful series is the reissue of the complete run of Gandhi's journal *Harijan*, in which many of his essays originally appeared (Garland Press, New York, 1979).

The second category of Gandhian studies comprises those that attempt to explicate Gandhi's methods and approach. A landmark among these studies is Joan Bondurant's *Conquest of Violence* (Berkeley: University of California Press, 1967), the first book to present Gandhian strategy in a systematic way, which continues to be regarded as the most reliable analysis of Gandhi's campaigns for social and political change. Raghavan Iyer's *Moral and Political Thought of Gandhi* (New York: Oxford University Press, 1973) gives Gandhian ideas the consistency that he himself was unable to provide, and Erik Erikson's thoughtful psychoanalytic study, *Gandhi's Truth* (New York: W. W. Norton, 1969), has lifted Gandhi and his ideas out of the narrow context of South Asia and given them wide accessibility. Although he is vexed by Gandhi's moralism, Erikson is impressed with Gandhi's relentless pursuit of truth, which he likens to that of Freud.

As a group, these books present a much more complicated image of Gandhi than that provided by the cinema and the hagiographies. They form the core works of a serious library on Gandhi. For the most part, recent works on Gandhian themes build on them, but a few recent works strike out in quite different directions.

Recent Gandhian Studies in the West

One recent book that moves in a new direction approaches the scale and imagination of Erikson and the Rudolphs, and it comes from an unexpected quarter: literary analysis. Martin Green, in *Tolstoy and Gandhi, Men of Peace*, offers a double biography and a common assessment of the significance of the two men. Green regards Tolstoy and Gandhi as representative of an anti-imperialist sentiment that was rife at the turn of the century. In their private lives as well as in their public statements, he claims, the two tried to recover the sense of personal power that had been lost in the magisterial and global dimensions of great empires. Green sees both Gandhi and Tolstoy as political-literary figures: they were visionaries, creators of new images of the self in society. Green's ideas are exciting stuff, and his elegant prose adds to the reader's pleasure. If his thesis is right, it would help to explain Tolstoy's and Gandhi's fascination with one another, as well as the continuing interest in Gandhi by Westerners who, like Tolstoy, are visionary and anti-imperialist in temperament.

Most of the other recent books on Gandhi written in the West build on themes established by the landmark works, and extend them in one of two directions. Either they attempt further to systematize Gandhi's thought or to make it applicable to current social situations; some attempt both. Continuing in the vein of Iyer, Glyn Richards, in *The Philosophy of Gandhi: A Study of His Basic Ideas*, makes an effort to give Gandhi intellectual respectability by locating his ideas in the Indian philosophic tradition and comparing them with such Western thinkers as Tillich and Wittgenstein. Gandhi comes out of this analysis looking somewhat Vedantic, a guise that Gandhi the activist might not easily recognize. That aside, Richards's book is an interesting essay in comparative philosophy, and should be a useful contribution to what is becoming a lively field of comparative studies. Just out (and too late to review in this article) is Margaret Chatterjee's *Gandhi's Religious Thought* (Notre Dame, Ind.: Notre Dame University Press, 1984), which explores the Hindu roots of Gandhi's ideas and assesses the Christian contribution to them. Other recent works follow along the lines of Bondurant in their attempt to analyze Gandhi's strategy of conflict resolution and show its applicability to a wide range of situations. Gene Sharp's collected essays, entitled *Gandhi as a Political Strategist* (Boston: Porter Sargent

Publishers, 1979), and my own *Fighting With Gandhi* (New York and San Francisco: Harper and Row, 1984) fall into such a category.

These Gandhian theories of conflict resolution and social change appeal to social activists as much as they do to scholars. For this reason, the field of Gandhian studies is parallel to that of Marxist studies: some of the more interesting statements about the theories have come from practitioners of the craft. The movements led by Martin Luther King, Jr., in the United States, Albert Luthuli in South Africa, and Danilo Dolci in Sicily are all traceable to the influence of Gandhi, and writings that have come from these movements are useful amendments to Gandhian thought.

Gandhian Studies in India

Practical interest in Gandhi is perhaps even more apparent in India, where Gandhi's legacy is to be found not only in his writings but in movements dedicated to Gandhian forms of social change. Perhaps the most significant Indian extensions of Gandhian theory may be found in the activities of the late Jayaprakash Narayan (commonly known as "J. P.") and his followers in the Gandhian Sarvodaya movement.

The followers of J. P. are not the only ones who claim inspiration from the Mahatma, however, for in India everyone seems to own him, and there Gandhian studies are something of a national heritage. In fact, a bit of tension exists between those who hold to two quite different interpretations of Gandhi: Gandhi the national hero, who would endorse India's present course of development, and Gandhi the revolutionary, who would advocate radical social and economic change. Most of those who write and teach on Gandhian themes fall somewhere between the two extremes.

In the 1950s many Indian universities established chairs and programs in Gandhian studies, largely for reasons of national pride. Some institutions, including Punjab University at Chandigarh, set up whole departments devoted to Gandhi, and it became popular for universities to erect Gandhi Bhavans—small, architecturally interesting buildings intended for public seminars and discussions, presumably to focus on Gandhian issues. The version of Gandhi that was promoted in these buildings and programs was the more moderate one, and today many of these Gandhi Bhavans are unused and in disrepair. Few of the old-style Gandhian programs are flourishing. Newer programs, however, that advocate a more radical Gandhi and are being established in conjunction with departments of economics and political science, are doing quite well.

The recently published proceedings of a Gandhian symposium held in Delhi, *Gandhi and the Contemporary World*, edited by K. P. Misra and S. C. Gangal, indicate the diverse approaches to Gandhian studies in India. The contributors include former Prime Minister Morarji Desai and other colleagues of the Mahatma, scholars, and activists. Some of the essays are homiletic in tone and plea for the revival of Gandhian values in modern society. The best essays, one by K. P. Saksena on Gandhi's concept of human rights and another by S. C. Gangal on Gandhi's notion of world order, were written by scholars who are not Gandhian specialists as such, but who find in Gandhi's writings a progressive point of view and an aid in assessing contemporary political issues. The final essay in the book, written by a Gandhian activist, Devdutt, casts doubt over the whole enterprise of Gandhian studies and questions whether any study of Gandhian ideas, apart from the practice of them, is true to the spirit of the master.

Some Gandhian institutes have been established in India for the purpose of integrating his ideas and their application. The Gandhian Institute of Studies in

Banaras promotes research projects on rural development and applied social studies, and the Gandhi Peace Foundation in New Delhi sponsors seminars, consultations, and stipends for a core of scholars who do research on Gandhian theory and practice. Both of these organizations publish journals: *Interdiscipline* in Banaras, and *Gandhi Marg* in New-Delhi.

But even these institutes are considered suspect by the radical wing of Gandhians, which draws its inspiration from J. P. Narayan and much of its support from high school and college students who joined his movement for "total revolution" in the mid-1970s. Many of these students are still engaged in what are called "constructive programs," attempts at bringing about social and economic change in rural areas. The Gandhian students who continue their academic pursuits are the ones who are calling for the new graduate programs in political science and economics to promote a radical Gandhian restoration of traditional society. Their influence has been widely felt on Indian campuses, and recently a response to them has come from scholars in Bombay and Delhi who are sympathetic with Nehru's more secular and modern vision of India's future. In July 1981, these scholars issued a manifesto calling for a renewal of commitment to what they call "scientific temper." The manifesto was revised and reissued in 1983.

The best analysis of the radical Gandhian legacy is Detlef Kantowsky's *Sarvodaya: The Other Development* (see J. Das Gupta, "Development and Poverty Reduction in South Asia—A Review Article," *Journal of Asian Studies* 42, Nov. 1982, pp. 105–17). Kantowsky carefully traces the development of Gandhian socialism from Gandhi's discovery of John Ruskin's book, *Unto This Last*, and Gandhi's early experiments in utopian community to the Bhoodan land reforms of Vinoba Bhave and the radical movement led by J. P. Narayan. Kantowsky is especially mindful of the differences between a concept in theory and the way in which it is put into practice, and he sees a sort of dialectical relationship between the theoretical and the practical in the emergence of Gandhian socialism.

Only half of Kantowsky's book is about the Sarvodaya movement in India, however. The other half is about a transported form of Sarvodaya found in neighboring Sri Lanka, which is threatening to eclipse its Indian parent organization in innovative vitality. The lively Sri Lankan movement is the subject of two other recent books: Denis Goulet's *Survival with Integrity: Sarvodaya at the Crossroads* (Colombo: Marga Institute, 1981), which was reviewed in *Journal of Asian Studies* 42, May 1983, pp. 699–700), and Joanna Macy's *Dharma and Development: Religion as Resource in the Sarvodaya Self-Help Movement*. Macy's sensitive analysis of the movement makes it quite clear that the Sinhalese variant of Sarvodaya is conceptually quite different from the Indian, and is religious in a more obvious way. The founder of the movement, A. T. Ariyaratna, derived his inspiration from the Gandhian movement in India, but he adapted Gandhian ideas to the Sri Lankan context. He employed Buddhist concepts of compassion and self-negation to create an indigenous concept of social sharing, and he utilized the traditional Buddhist notion of the righteous ruler to epitomize his idea of moral politics.

It remains to be seen whether Gandhian social and economic theories hold the key to the future of the undeveloped world, as Ariyaratna, along with J. P. Narayan, and Western Gandhian prophets such as E. M. Schumacher, have suggested. Most of those who write about Gandhi in both India and the West are content to envisage change on a much more individual level, and they see Gandhi's main significance as an inspirational and easily understandable model for personal piety and virtue. But even in a saintly view of Gandhi—such as that portrayed in Richard Attenborough's

film—there is an implicit social dimension. Behind the hyperbole and hagiography is an image of a man of extraordinary moral achievement, someone who lived simultaneously as an ascetic and as a worldly crusader. Most of us find these two ways of dealing with the world to be well-nigh irreconcilable; their opposing requirements result in a moral tension that is felt by sensitive persons in almost every culture. Gandhi's apparent ability to surmount this ethical dichotomy is cause for international awe, and for this reason Gandhi continues to be seen as a potent model for moral action. His image has both social and personal dimensions, and its complexity and vitality guarantee that interest in Gandhi and his ideas will continue long after the current revival of excitement about them subsides.

29

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Comparing Political Regimes across Indian States A Preliminary Essay

John Harriss

It has been suggested-for example, by Atul Kohli (1987)- that India constitutes a 'laboratory' for comparative political analysis. The fact that the country has a number of states with quite diverse politics, but within the framework of Indian federalism, creates conditions for 'controlled experiments'. But these apparent opportunities have not been taken up very much. There are important bodies of work by individual scholars on the politics of particular states-one thinks of the sustained research by Zoya Hasan and Paul Brass on Uttar Pradesh, that of James Manor on Karnataka, of Jayant Lele and latterly, of Thomas Bloom Hansen on Maharashtra, and Ghanshyam Shah on Gujarat. It is also striking that some states have not been the subjects of such consistent research. And exercises in comparative politics have been rather thin on the ground. Efforts were made in collaborative exercises on the politics of various states orchestrated by Myron Weiner (1968), by Iqbal Narain (1967 and 1976) and then by John Wood (1984). The latter includes an interesting comparative essay by Roderick Church, which is referred to later in this article. Then Kohli published the results of his research on the effectiveness of different party regimes in Karnataka (that of the Congress under Devaraj Urs), in UP (the Janata coalition) and in West Bengal (the Left Front), in relation to poverty reduction, in his book the State and Poverty in India (1987). But the most ambitious comparative project so far has been that of Francine Frankel and M S A Rao, who brought together work by a group of scholars within a framework which focused on the problematic of 'the decline of dominance' (1989,1990). The exercise, which I have undertaken, draws heavily upon, and aims to extend the work of Frankel and Rao.

Kohli concluded from his comparative study that differences between the political regimes of different states do make a significant difference, specifically to the adoption of pro-poor policies in the Indian context. Others have disagreed V. S. Vyas and P. Bhargava, for example, summing up the findings of comparative studies of public intervention and rural poverty alleviation in nine states, say emphatically that 'success in poverty alleviation efforts was not significantly affected ...[at least] by the professed political ideology of the ruling parties in the different states'(1995:2572). The debate which is inherent in these different statements is more significant than it once was because of the increased salience of state-level politics in the context of India's economic reforms. The greater financial autonomy of the states which these entail "is likely to combine with increased regulatory autonomy... making the state level a more important political arena of study" [Jenkins 1996:198]. The effort of developing a comparative analysis of state politics seems worthwhile, therefore.

DEFINING REGIME DIFFERENCES

The term 'regime' is used widely but quite loosely in political science. It is quite often applied to a particular government, as in 'the Telugu Desam regime in Andhra Pradesh', but as frequently it is applied to such broad distinctions as that between democratic and authoritarian forms of rule. Clearly, in a discussion of Indian states, operating within the

framework of federal democracy laid down in the Constitution of India, the latter distinction does not apply. We may be concerned, however, with differences in the democratic functioning of different states, and describe these in terms of 'regime types'.

'Democracy' is taken to mean: 'government by the people; the form of government in which sovereign power resides in the people and is exercised either directly by them [participatory democracy] or by officers elected by them [representative democracy]'. Clearly, this is a statement of an ideal, for it evades the real problems of collective action, which arise from the fact that the goals held by individuals ('the people') rarely coincide absolutely.

Approaching the ideal of democracy, therefore, depends upon the differentiation of the realm of politics from overall systems of inequality in a society-so that collective decisions are not made by particular individuals or groups of people because of the power derived from their economic or social status [Rueschmayer et al 1992:41ff]. In practice democratic forms of government, involving the accountability of the executive to an assembly of representatives elected through free, open elections, in the context of freedom of expression and association, can even eliminate altogether the significance of differences of wealth, power and status in society. Hence, the Marxists have generally rejected such representative democracy as a sham, concealing the exercise of power by the dominant class. The view expressed by Rueschmayer and his co-author is that the ideals of democracy is approached more or less closely according to the balance of class power in a society, and the nature of the state system, the development of capitalism is, in some ways, actually conducive to approaching the democratic ideal because it weakens the power of landlords and strengthens subordinate classes, shifting them from the relatively un-favourable environment of peasant agriculture in which, as Marx argued in The Eighteenth Brumaire, they are 'like potatoes in a sack'-divided from each other, lacking a sense of a collective interest, and given their identity by the more self-conscious classes which make up the rest of society. The democratic ideals are approached more closely, too, if the state-system (the organizations of the state) is relatively autonomous in relation to society. But there is narrow gap between the Scylla, of a state-system dominated by particular interests within society such as those of landlords, or of industrial capital, or of finance capital, and the Charybids or a state-system which is absolutely autonomous and able to exercise dictatorship over society, over-riding the interests and aspirations of 'the people'.

Equation; the more developed is the sphere of private, voluntary association, of civil society, the wider is the gap between the Scylla and the Charybida, and the greater the space for the democracy, for it implies that different interests are organized within society, and able (at least to a significant degree) to hold the organizations in the state system accountable [derived from Rueschmayer et al, 1992].

In the light of this discussion it would seem perfectly sensible to compare Indian states as democratic regimes. Although the majority of the labour force across the country remains agricultural, there are important regional differences and differences between states in terms of the organization of agriculture, the level of development of capitalism, and of

agrarian class structures. There are differences between states in terms of the extent of industrial development and hence in the development of both the industrial bourgeoisie and the working class. These difference may then be reflected, in turn, in variations in the nature and the extent of political mobilization, and of organization in civil society, both of which are likely to be very significantly influenced, in the Indian context, by caste and other ethnic identities. These political differences may exercise a significant influence on the functioning of the various (state-level) 'state systems'. This is one level of comparisons, therefore, which we might describe as 'structural'. Another is that of 'regime' in the sense, rather, of government'. This is the sense employed by Atul Kohli when he writes:

"Variations in regional distributive outcomes...are a function of the regime controlling political power. Regime type, in turn-at least in the case of India-closely reflects the nature of the ruling political party. The ideology, organizations and class alliances underlying a party-dominated regime are then of considerable consequence for the re distributive performance of that regime" (1987:10).

In his book, of course, he goes on to compare the performance of different party-dominated regimes in three Indian states.

For the purposes of this paper, we may seek to distinguish regime difference across states at both the structural level and that of 'party-dominated government'. Searching in the first place for evidence on the nature and extent of political mobilization and of organization in both civil and political society. In the light of the preceding short discussion of democratic political system critical questions arise about the differences between states in term of balance of class power, and the extent of political participation of historically subordinated, lower classes? What is the nature of this 'participation', ideologically and organizationally, and what are the relationships of the lower classes with other classes? Note that is had often been argued that Indian politics are characterized accomodationism, referring to the way in which dominant elites build coalitions of political support amongst sections of dependent groups by means of a strategy of selective inclusion.¹

Tackling these questions in the Indian case requires study of evidence on class structures and their relationships with caste/ethnicity and historical structures of dominance (defined, following Frankel and Rao, as: the exercise of authority in society by groups who achieved socio-economic superiority and claimed legitimacy for their commands in terms of superior rituals status;).² 'Class formation' is always and every where a problematic concept. The relationships between groups of people, in terms of their roles, and relations within, productive systems, and the subjective categories in terms of which people experience and understand these roles and relations-between 'class-in-itself' and class-for-itself'-have always to be treated contextually and historically. In the Indian case this means studying the relationship between class and caste. We know that there is no neat mapping between 'class' and 'caste; but there are strong broad correspondences, for example between land ownership and caste position. We also know that in many instances class relationship are experienced as relations between casts [see Harriss 1994].

Some-times potential or actual class political mobilization is crosscut by caste relations, and vice-versa-and sometime not. In practice we have to study the class/caste bases of different regimes in order to address the critical questions of 'the balance of class power'.

Further analysis entails examining political organization, including the formation of different types of association and the ideology, organizations and class alliances underlying different party-dominated regime governments. What are the stated objectives of different regimes? How do they seek to win support, ideologically and organisationally? What are the alliances on which they depend? What are the relationships between 'local power' and state-level politics? Questions concerning leadership and organizational power is also highlighted- enter in here.

Measuring' regime difference is obviously difficult, both conceptually and partially (given what is in some instance, in regard to India, the paucity of data, and in others data inconsistencies). We can obtain some qualitative information on the characteristics of different states regimes forms the political science literature and form political commentaries (for example Manor's commentary on the new support base built by Devaraj Urs between 1972 and 1980 in Karnataka). (3) It is also of value to trace changes in the composition of state legislatures and of state governments (and the backgrounds of chief ministers, too) in terms of caste and occupations (not of course that these translate at all directly into policy and policy practice but still, shifts like that which took place in the 1970s, when agriculturalists started to be represented much more, are significant). It is possible to take quite systematic account of the frequency of changes of government and to derive from this indicators of regime stability, which can be supplemented from the descriptive literature. Generally my approach has been to try to develop a framework worked out by Roderick Church in a comparative discussion of state politics (in UP, Bihar, West Bengal, Kerala, Karnataka, Maharashtra, and Gujarat) written in 1984.

At this time, Church argued, there was a 'crisis of participation' amongst lower castes/classes. This was in the context of a four-fold distinction between caste categories:

The 'upper' castes, the 'high castes' or the 'twice-born' are the brahmins, kshatriyas and banias. They have long dominated society and politics as landlords in the countryside and as businessmen and professionals in the city. [Note the connection that is made throughout the discussion between caste status and class positions.]

The 'middle' caste are the principal farming caste (jats, yadavs, and kumis in the north, for example: Marathas in Maharashtra, and so on). According to caste traditions they are Sudras, the term for all those below the twice-born and above the untouchables, but they have a special status and importance because of their numbers and land. Typically they are Kisans (farmers or [rich]/middle peasants. [It is usually the case that the locally 'dominant' caste-dominant by virtue of their control land over and labour, which are still the common basis of local political power-are from these 'middle' castes.]

At the bottom of the traditional state hierarchy are the 'scheduled' castes, the ex-untouchables, who now have special constitutional protection and privileges. They are primarily agricultural laborers. The 'lower' castes form an economic and social stratum which is sandwiched between the middle castes above them and the Scheduled Castes below. It is composed of marginal farmers, sharecroppers and landless laborers from low status agricultural castes together with traditional service and artisan castes-barbers, boatmen, blacksmiths, carpenters, grain-parchers, oil-pressers, and so on. The proportion of people in this stratum varies from region to region, but it is usually about a third of the population.⁴ Because individual castes are usually small and widely dispersed, as well as poor, the lower castes find it difficult to develop a common sense of identity or to assert much political power on their own. (*These lower castes are the last stratum to be brought into politics.* [Church 1984; 230-31; emphasis mine]).

Church went on to argue that by the 1960s "the only people systematically excluded from a share of political representation and policy benefits were the castes below the middle castes and above the Scheduled Castes" and that as people from these groups sought a larger share in state power, they encountered resistance or attempts at co-optation on the part of dominant groups (from the upper and middle castes). "This is evident in new levels of violence and corruption, in populist appeals to the 'poor', in calls for law and order, in the emergence of regionalism, in struggles over reservations for the 'backward classes', and in the efforts of political parties to recruit representatives from lower castes" [this and the previous quotation, Church 1984;231]. This powerful statement has proven remarkably accurate, and it applies to Indian politics in the 1990s, as well as to the 1980s.

The lower castes have mobilised, or have been mobilised politically in several different ways: (i) as 'poor people', held to have interests in common with scheduled castes and tribes; (ii) thorough status appeals, when a hard-pressed upper caste group seeks to recruit their support (as happened in this kshatriya movement in Gujarat, when rajput Kshatriya were repaired to concede 'Kshatriya', status to hitherto lower-ranking kolis in order to increase their political clout), or when it is sought to establish links between middle and lower castes as fellow members of the 'backward classes',⁵ (iii) by emphasizing the regional community (through appeals, for example, to "We Telugus" or "We Bengalis"). Such attempts, however, to unite the lower castes with those above them are inherently problematical because of real differences in economic interests. The lower castes may be won by populist appeals (as Indira Gandhi sought to) "but they can also be drawn to more radical alternatives, as well as to the regional parties. The new effect is to make political coalitions more fluid and to add a new element of uncertainty to party politics" [Church 1984:233].

Around the early-middle 1980s, Church argued, the patterns of politics in different states could be understood in terms of the extent and mode of political participation of the lower castes: "First, there are those states in which lower castes have achieved positions of power in the legislature and government and where government policy to some extent

addresses the concerns of the poor (my emphasis; JH). These include West Bengal, Gujarat, Karnataka, Kerala and (perhaps to a lesser extent) Maharashtra; Uttar Pradesh and Bihar remain states where the lower castes have made little progress. Second, among states in which the lower castes have made the most progress, these are those in which the Congress has taken the initiative in recruiting the lower caste and bringing change" (1984:236-37). Thus Church proposed a typology of political regimes in different states, in the early 1980s (see Table 1).

Before proceeding to extend this frame-work to take account of political developments in the last 15 years, it is important to take account of other factors which make for differences between political regimes: ideology, leadership, organization and stability (all aspects of institution of politics). In the Indian case, all of these are affected by certain general (national) tendencies of politics and governance. Firstly, although much policy analysis seems to operate with the implicit assumption that the Indian State (s) corresponds with the model of rational legal authority, and that it is engaged in rational problem –solving in the common interest, the reality is of course very different. It is a notorious fact that political life in India has become increasingly criminalised and is in thrall to those whom Chatterjee describes as "self –seeking and unprincipled political speculators", for whom " politics is.....a business, like speculating in share markets.... a risky business where you can go bust all of a sudden, but where you can also make a fortune if things go all right" (1977[1991]: 213-14). Though the extent of outright criminality has steadily increased, Indian politics has always had the characteristics of a 'risky business' with potentially very high returns. Though many of the early legislators were extraordinary principled and personally austere, not all were, and the prospect that the Congress would form ministries in 1937, under the Government of India Act, had already brought on many new members attracted by the possibilities of government patronage. The Congress party machine which exercised largely unchallenged authority, both at the centre and in the states, for the first 30 years of independent India, was always oiled by 'patronage –the exchange of offices, jobs', as Ashok Mehta memorably put it – rather than an organization dependent upon active cadres. It is by these means that 'political accommodationism' referred to earlier- selective inclusion, designed to build coalitions of support –has been made to work. But increasingly, through out the history of independent India, political offices have been sought in order to derive rents in various forms.

One of the concomitants of these general features of the Indian political system is that there is competition for 'the spoils of office'. Large majorities are often not a guarantee of a stable and secure government, because it is then more difficult for those in power to satisfy the aspirations of all these supporters. There is a built-in tendency towards factionalism-competition between groups led by particular individuals who are in pursuit of personal gain and personal differences, rather than being divided from each other ideologically. Ideology, indeed, counts for rather little in this political system. And there is no major state which has not experienced periods of instability as a result of factional in-fighting in ruling parties. Changes of government, in this context, most emphatically, often mean nothing more than a reshuffling of personnel, and have absolutely no ideological or policy implications.

Another aspect of the spoils is that political parties are but weakly institutionalized (they are not dependent upon active cadres but rather on the prospect of the actuality of the distribution of spoils). This is a problem, which has grown progressively worse, as many commentators have remarked, since Indira Gandhi, in pursuing her struggle for ascendancy over the old leadership of the Congress Party in the late 1960s and 1970s, rather systematically broke up the old Congress machine Atul Kohli (1996), revisiting in the 1980s, places in which the late Myron Wiener studied local Congress organization in the 1960s, reported that he could find little active 'organization' to speak of at all. The same is true of other political parties, as well see [see for example, Manor comments on the Janta Dal in Karnataka [Manor 1998]. Interventions by central government in state-level politics, which have increased in frequency as part of these developments, have also contributed significantly to political instability.

The outstandingly successful political parties of the last quarter –century have been the CPI (M) in West Bengal and Kerala, the Jan Sangh/BJP in parts of north India, Shiv Sena in Maharashtra and the DMK/ADMK in Tamil Nadu. These parties, while they have certainly not always been above the games of patronage and corruption,⁶ do have organization and (less so, latterly, in the case of the DMK/ADMK) coherent ideology (crude though this may seem to outsiders to be in the case of Shiv Sena especially). An important influence, therefore, upon regime differences at the state level is the extent to which states have been governed by these parties. The DMK/ADMK in Tamil Nadu Shiv Sena in Maharashtra and the Telugu Desam in Andhra Pradesh are- in the Indian context- relatively 'strong parties, with frankly regional agendas and organizations. But in practice the CPI (M) in West Bengal and Kerala and the BJP in the north Indian states in which it is most strong, where it has established distinctive regional versions of the overall ideology of Hindutva [see for the BJP in Maharashtra, Hansen 1996. 1998; Rajasthan, Jenkins 1998] function like regional parties, as has the Janata Dal in Karnataka and Orissa. It is significant-and refers back to the initial discussion above, distinguishing between regimes in terms of the extent and mode of participation by lower casts/classes- that as Partha Chatterjee has put it:" The more the processes of democracy have deepened in India, the more has its centre of gravity moved downwards..(and that) today, there are numerous groups that are able to make their demands heard in the democratic arena..." But there are differences, still, in these respects, between states.

A few words more on idea of the 'accommodationism' in Indian politics [the following has been stimulated by Jenkins 1996]. This can be viewed either positively or negatively, or-perhaps more sensibly-as having positive as well as negative aspects. From a radical perspective 'accommodation' means at best fudge and tokenism, if not deliberate manipulation to head-off pressure for the through going structural changes which are necessary for the empowerment of poor, exploited and oppressed people. But accommodationism can also be considered positively, as part of a gradual process of change which may lead to greater equity and inhibit violence in a context in which radical change is politically infeasible (this is more or less what the authors of Redistribution with Growth argued in the 1970s, of course). The standard works on the political economy of India, those of Pranab Bardhan (1984) and of Francine Frankel (1978) converge around the view that political accommodation had frustrated the projects

both of rapid economic growth and of human development in India, and Paul Brass, in his survey in Indian Politics, argues that “accommodative politics’ have failed and cannot succeed in the face of growing class antagonisms in the countryside and the increasing dominance of India’s ‘proprietary classes’” (1990:246). This last assessment seems to have been falsified by events in the decade since it was written, but it will be argued here that there are significant differences between states in the extent to which accommodative politics still work, and in their modalities.⁷

We are now in positions to attempt to extent and develop the frameworks first worked out by Church (see Tabe-2)

Table-2
Typology of Indian State Regimes

Category	Characteristics	States
A(i)	States in which upper caste/class dominance has persisted and Congress has remained strong in the context of a stable two-party system [‘traditional dominance’ rather than politics of accommodation vis-a-vis classes]	Madhy Pradesh, Orissa, Rajasthan ^a
A(ii)	States in which upper caste/class dominance has been effectively challenged by middle castes/classes, and Congress supported collapsed in the context of fractured and unstable party competitions [both ‘dominance’ and the politics of accommodation have broken down]	Bihar, Uttar Pradesh ^a
B	States with middle caste/class dominated regimes, where the Congress has been effectively challenged but has not collapsed, and there is fairly stable and mainly two-party competitions [the politics of accommodation vis-à-vis lower class interests have continued to work effectively, most effectively in Maharashtra and Karnataka least effectively in Gujarat].	Andhra Pradesh, Gujarat, Karnataka, Maharashtra, Punjab? ^b
C	States in which lower castes/class are more strongly represented in political regimes where the Congress lost its dominance at and early stage.	Kerala, Tamil Nadu, West Bengal ^c

Notes: a: These five states are classified as ‘low income states’.

b: AP and Karnataka are ‘middle income states’, and Punjab, Gujarat and Maharashtra are ‘high income states’.

c: These three states are ‘middle income states’.

A(ii): States where upper caste/class dominance has persisted-(1) MP and Rajasthan: These are both constituted largely by former princely states and in both some of the former rulers have remained politically powerful. They are states, too, in which right wing parties-Swatantra in the 1960s, and the Jan Sangh, later BJP-have traditional base. The Jan Sangh shared office in Madhya Pradesh briefly, as early as 1967, establishing a pattern of two-party competition at and early stage; and the party led the Janata

government in Rajasthan after 1977. The BJP took office in both states in 1990, and retained it in 1993 (After a period of president's rule, following the demolition of the Babri Masjid at Ayodhya in 1992) in Rajasthan (until 1998, when the party lost) though not in Madhya Pradesh (where the party lost again to Congress in 1998). Neither state has offered much opportunity for left-wing political leadership in Rajasthan was between brahmans, rajputs, and jats, and the state assemblies dominated by these three groups, and the Scheduled castes Jenkins has shown how the BJP has been a vehicle for extending rajput dominance (1998). Narain and Mathur remarked that "The day when the placidity and civility of Rajasthan politics will be rocked by the 'power-drive' of the agricultural castes, while bound to arrive, is difficult to predict" (1990:53). It has still not come. Jaffrelot's work on politics in Madhya Pradesh (1998), similarly, shows the continuing pre-eminence of brahmans, rajputs and banias in both the BJP and Congress in that state, though it seems that party of the reason for the success of Congress in retaining office in the state is that the part, under Digvijay Singh's leadership, has been successful in incorporating some from the lower castes, and members of the schedules tribes (who make up one-fifth of the state's population). This is the context, too, of some progressive measures in education and local self-government in the recent past. Previously the Congress in MP had a long history of factionalism, and the longest single period in office of any CM, before Digvijay Singh, was that of Arjun Singh (between 1980 and 1985). The most significant changes of party regime in these two states are those which have taken place in the 1990s.

(2) **Orissa:** Orissa has features in common with these two states. It too was partially constituted by former princely states, and like MP, it has a high proportion of scheduled tribes within its population. The princes of Orissa seem to have been less successful in retaining political power, but the right wing parties, initially Swatantra-to which some of the princes gravitates and which took part in a coalition government after 1967-and later the Jan Sangh. BJP, have long been influential. Monhanty argues that "a brhman-karan middle class dominates society and politics in contemporary Orissa" (1990:321); and that "The failure of caste associations or opposition parties to pave the way for the autonomous politicization of the lower castes... facilitated the continuation of upper caste control over major political parties" [Mohanty in Frankel and Rao 1990}. The numerical strength of scheduled castes and tribes in the population of the state "could not be exploited by the left parties...conservative elements could manage to receive their [the SCs/STs] political support...(and) despite their visible presence in the state and the legislature they have not emerged as an independent political force" [Misra 1989:254]. Left-wing parties have never won much support outside small pockets. The most outstanding political leader from Orissa has been the late Biju Patnaik, who maintained political following in opposition to Congress for over two decades, widening the social base of electoral politics and mobilizing the rising 'agrarians middle class', as Mohanty describes it, including notably Khandayats, numerically the largest single caste group, and who should probably be considered as 'middle; caste [in terms of Church's definition; and see Mitra 1982]. Biju Patnaik led the Janata Dal government of Orissa after 1990, before losing office again to Congress in 1995. The politics of Orissa have had an unusually strong personal element, and party contests have been governed by intra-elite competition.

Latterly the Congress and Patnaik's following (which has passed substantially to his on Navin, now leader of the Biju Janta Dal, which is in alliance with the BJP) have competed for power, operating from the same social base, and, "Mono-polising the competitive arena they (have) pre-empted alternative popular forces from acquiring political significance" [Mohanty in Frankel and Rao 1990]. It is unlikely, hence, that changes of party-regime are of any great significance for policy or its implementation.

A(ii) States where upper caste/class dominance has been effectively challenged –(1) Bihar and Uttar Pradesh are the core states of 'Hindi heartland', where the upper castes are much more numerous. The Congress Party in both states was dominated by members of these upper castes. About UP, Zoya Hasan writes, "from the outset the ruling party restricted the access of lower castes to positions in government, and successive Congress regimes were dominated by upper castes-classes. Upper caste domination provided the framework of political bonding in a fragmented society" (1998:19). But 'middle' caste, in other terms, 'Other Backward Classes' (OBCs) have become politically powerful in both states; the Congress party has very substantially destroyed itself, after ruling each state for most of the time from independence up to 1989/1990, and no longer has much of an electoral base, and politics in each state is fragmented, and bitterly contested between formations which derive from the Lok Dal in which OBCs are strong, the BJP, to which the upper caste have gravitated but which seeks, as else where, to win support from lower castes as well, and dalit-based parties (notably the Bahujan Samaj Party, one of whose leaders, Mayawati, became the first scheduled caste woman to hold the chief ministership of a major state, in a brief tenure in UP in 1995). The rule of law has broken down to a greater extent in Bihar than elsewhere in India, but the home minister of India went on record in the Lok Sabha in March 1997 to state that UP is moving towards "anarchy, chaos and destruction".

B: State with 'middle' caste/class dominated regimes:- There are of course many differences between these states, But they are alike in having powerful 'middle' castes/classes-numerically significant, locally dominant castes, but whose dominance extend over wide areas, and which have generally excised pervasive political influence: the reddy and kammas of Andhra Pradesh who make up, together, about 20 per cent of the population); the patidars of Gujarat (about 12 per cent); the lingayats and vokkaligs of Karnataka who together constitute 30 per cent of or so of the population); and the marathas in Maharashtra (30 per cent or so of the populations of the state). The jat, sikhs, similarly, constitute more than 20 per cent of the population of Punjab. Upper castes (brahmins, banias and kshatriyas) have been significant in the politics of all these four states, but more so in Gujarat, where brahmins and bania generally dominated the ruling Congress Party up to and through the 1960s [Wood 1984]. In all these states, the dominant 'middle' castes (and the upper castes) have been challenged by lower caste, to they have accommodated lower caste aspirations, but the political grip of the 'middle' castes has remained strong, though perhaps in varying degrees. They are also states in which the BJP now has a significant presence, which is important in relation to the concerns of this analysis especially because of the way in which the party has mobilised support which cross-cuts middle classes and some groups of low caste/class people, though not in a way which promises to deliver very much to the latter. The strength of the

BJP is evident in Gujarat, where it came to power in 1995 and has been in office, though not without internal convulsions, for much of the time since then, and in Maharashtra, where it also held office, in alliance with Shiv Sena, from 1995 until October 1999, the BJP's electoral strength in both Andhra Pradesh, where it won 18 per cent of the vote and 4/42 seat in the 1998 general election, but has virtually no presence in the state assembly, and in Karnataka, where it won 27 per cent of the votes in 1998 and become the second largest party in the state assembly in 1994, albeit with a much smaller share of the votes than the Congress, is much less secure. Manor argues that the prospects of the BJP in Karnataka still depend rather on the self-destruction of the Congress and the Janata Dal than on its own efforts, and that BJP's organization "has always been far less strong and extensive in Karnataka than its counterparts in northern and western India" (1998:194). These judgements were confirmed during the 1999 Lok Sabha and Vidhan Sabha elections in the state. The BJP is also likely to remain a minor force, in Manor's view, in Andhra Pradesh, though the performance of the party in the 1998 general elections showed that it has finally arrived in the state.

- (1) **Andhra Pradesh:** the politics of this state has continued to be dominated by 'forward caste' reddy and kamma, major landholders and in the case of the kamma especially, successful industrialists who have pursued effective strategies of accommodation of the lower caste/classes interests, assisted in this by the fact though those described as 'backward caste' make up about 50 percent of the population in the districts of Andhra Pradesh, they are also unevenly distributed and divided into a large number of small groups. "In its actual functioning, the practice of political accommodation took an ad hoc and expedient character in response to the various claims raised by competing social groups. Radical politics [in a state in which communists were initially powerful-it was thought likely that the CPI would form the first government of the state after its formation in 1956] were thereby avoided and ameliorative measures pursued" [this and the following quotations are from Reddy in Frankel and Rao, 1989:265]. The politics of patronage (in which "The underlying assumption was that every aspirant to power had his price..." p.265) gave way as a result of the policies adopted in the 1970s under the inspiration of Indira Gandhi to a populist strategy, which continued to win her and her party support in the state even in the aftermath of the emergency (as noted above). But, by the end of the 1970s, resentment built up amongst higher caste groups because of what was perceived as the tilt towards scheduled castes and "the rural poor themselves became divided along caste lines. Finally, the break-down in client-pattern relations at the local level resulted in the failure of political communication and created a void which went unfilled in the absence of any new grass roots party organizations" (p.285). Youth enacted middle classes, members of 'lower' castes and kamma industrialists alike went in search of an alternative to Congress. Then in the early 1980s Indira Gandhi's frequent interventions in Andhra politics, and a rapid succession of ineffectual chief ministers, built up resentments which were successfully exploited by a film star, N T Rama Rao, who established a new political party, the Telugu Desam Party (TDP), and stepping into the political vacuum created by the decline of the Congress, and the 'void' at local level, won office in the state in 1983 [see also Kohli 1988, and Vakil 1990, who confirm the analysis given by Ram Reddy]. One charismatic leader (NTR)

effectively replaced another (Indira Gandhi), but latter was a national leader while the former regional; "It was (NTRs) charisma that dominated the electoral scene, rendering most of the organized political parties inelegant"(p.286). The TDP offered to restore the 'dignity of the Telugu people'. The policies it proposed were frankly populist (notably promising rice at Rs.2 per kilo), and attempted to accommodate youth, women and the lower caste/classes-indicating " the continuity in political style". Indeed the interim budget passed by the TDP immediately after it came to power shifted from irrigation and power development, which received an increased outlay of only 6 percent, to social and community services, on which the outlay was increased by 30 per cent [see Pai 1996]. The continuities in the leadership of the dominant 'middle' castes/classes is shown in studies of the composition of the state assembly and of the state cabinet (though it is true that kammās were more strongly represented under the TDP-NTR was himself a kamma), and the representation of members of the 'lower' castes/classes in local government has been only gradual. Ram Ready sums up, "While the parties in power changed, the stability of the polity continued. The success of a party seemed to lie in building a strong and charismatic personality on the one hand and carrying out populist policies on the other, capable of appealing to a broad spectrum of disadvantaged grouped. [No new party organizations could be built to substitute horizontal mobilization of the poor for vertical patron client networks (.Which)... contributed to excessive dependence of a single charismatic leader and increasing centralization of power p.287: AS the politics of accommodation appeared to breakdown because of its own social contradictions [not all groups or aspirants to power can possibly be satisfied] another party emerged with a new charismatic leader and more expansive populist policies" (p.291). Sure enough NTR's TDP, though it retained office in 1985 after a badly bungled attempt by the Congress government at the centre to remove him, lost in the state in 1989 to the Congress, even though by this stage Rajiv Gandhi's charisma had worn rather thin. The Congress government in the state was then defeated in turn in 1994 by the TDP, which was able to highlight the issue of the distribution effects of the fiscal reforms, which were by then being implemented in the country. The issue of sub-subsidized rice was centrally important. The cheap rice scheme had been effectively run by the TDP before 1989, and the record of the Congress in running it was perceived as poor, not least because the price had been increased from Rs. 2 to Rs. 3.50 per kilo. Now the future of the TDP, under a new and somewhat charismatic leader, Chandrababu Naidu, is under threat as the scheme has been cut down in response to the World Bank conditionality. In sum, continuity in the dominance of 'middle' caste/class interests, but the populist programmes of the TDP may represent a significant shift within the regime.

- (2) **Gujarat:** The more complex caste-class structure of this state has made for politics, which are even more Byzantine than is usual in India. Ghanshyam Shah comments, "the social situation "Gujarat is not quite clear. Caste as social organization is crumbling; though not disappearing. At the same time caste sentiments prevail in the intra -class conflicts among the poor farmers, agricultural laborers and industrial workers [in this relatively highly industrialised state with particularly extensive commercial agriculture] as well as the rich peasants and business class. While

different classes cutting across caste boundaries are being formed, class-consciousness as such is yet to develop. This situation works in favour of the upper classes of the dominant castes in perpetuating their hold over society” (1990:111). The state does not fit so clearly into the category of” a middle caste dominated regime’ as do Andhra, Karnataka and Maharashtra, because members of the upper castes- brahman and especially banias, as well as patidars – a classic ‘middle’ caste in Church’s terms exercising local dominance in parts of the state, and ‘Kshatriyas’-who include both rajputs and some kolis, the most numerous caste group of the state (accounting for around a quarter of the population), who include large numbers of small and marginal farmers and agricultural labourers, and can be defined as ‘lower’ caste, have all vied for power. As Wood argued (1984) the Congress-I was successful in the 1980s in establishing a power base by deploying the so- called ‘KHAM’ strategy which was presented by its own advocates in the party as a way of ‘uplifting’ disadvantaged members of society. ‘KHAM’ refers to ‘Kshatriya’ including lower caste kolis, harijan (scheduled castes-around 7 per cent of the populations), ‘Adivasis’ (scheduled tribes-around 18 per cent), and Muslims (another 8 percent or more). Thus it was that Church defined Gujarat as a state in which lower castes/classes had been recruited into Congress regimes, though it was already clear that the “KHAM’ strategy had exacerbated divisions within each of its constituent groups, with the worse off amongst them being excluded from benefits. But it did mean, as both Shah and Wood have noted, that there was also a discrepancy between political power and social dominance in the State. The economy was dominated by brahmans, banias and patidars, but political power was held mainly by rajput and koli, kshatriyas, and Wood remarked, insightfully, that “The haves, possessing, social and economic power but excluded from access to political power in the Congress-I, appear to have nowhere to turn expect to hopelessly weak and divided opposition parties, or to lawless behaviour.(1984:221). He anticipated the violence and turbulent conflict, which have characterized Gujarat’s politics in the 1980’s. But the ‘have’ did find a party to turn to by the end of the decade, in the BJP. According to Shah’s account of in (1998), first the Jan Sangh and then the BJP have pursued a long-run strategy of building support in Gujarat, seeking to incorporate dalits (scheduled castes) and OBC’s (lower castes in our terminology) under upper caste leadership. “The party has put the dalit, tribal and OBC members in the forefront in various campaigns” (1998:257), fielding significant numbers of OBC candidates in state assembly elections, whilst at the same time contriving never actively to support job reservations for them. And in 1991 as many as 63 per cent, still, of the state and district level leader as were from upper castes (brahman, banias) and the patidars. After the BJP took power in the state in 1995 it was rapidly split by a conflict between leaders which seemed to reflect traditional rivalry between patidars and rajputs-cum-kolis. Shankarsinh Vaghela himself a rajput but with a base amongst kolis, broke away to form the Rasthtirya Janata Party, ruled for a time with congress support and “tried with some success to emerge as a leader of the OBCs in Gujarat” [Shah: in Frankelin and Rao 1998: 265]. But in the state elections in 1998 the polarization caste lines which Vaghela anticipated did not occur and the BJP won widespread support in a comprehensive victory (Vaghela subsequently merged the RJP with Congress arguing –curiously for one so recently a leader of the BJP –that his party had no ideological

differences with Congress). The current chief minister, Keshubhai Patel, is now perceived, however, as favouring patidars at the cost of 'lower' castes, and there are reports of trouble in the ruling party for this reason (Frontline, June 18, 1999).

In sum, there is little evidence to suggest that lower castes/classes have won much political ground in Gujarat, and the current ascendancy of the BJP is founded on 'the upper classes of the dominant castes'. But regime shifts occurred in the later 1970s and 1980s in the period of the 'KHAM' strategy and again in the mid-1990s with the assumption of power by the BJP, and the realignment of economic and political power.

(3) **Karnataka:** The politics of Karnataka has been described by Manor as a state with a conservative social order, in which "the disparities in wealth, status and power has not been so severe as to undermine the comparative cohesiveness of society" (1989: 323). Later, he argues that this 'cohesion' "rooted in small peasant proprietorship" (p:331), has been dominated by lingayats and vokkaligas, Congress administrations led by vokkaligas and lingayats in the 1950's in the 1950s and 1960s are said to have carried out 'modest reforms', offering modest concessions to poorer groups [though it is possible that Manor has latterly over-emphasized the effectiveness of the land reforms of 1961, as well as those carried out in the times of the Urs administration in the 1970s: see Damle 1989]. But the late 1960s were undermining the solidarity of 'lingayat raj' by frustrations over access to patronage. This assisted Devaraj Urs' rise to power, which involved mobilisation of lower caste/class groups in the 1970s. But Urs, regime, described as 'progressive' by Major (1980) and after him by Kohli, lacked organizational foundations and did not endure. Neither does it seem—in the light of subsequent events—that Urs sowed the seeds of radical change in Karnataka society in the way in which M N Srinivas and M N Pannini suggested when they wrote, "He succeeded in making the poorer sections realize that in a democracy not only should the government work for the welfare of the poor but also that it should be run by them" (1984: 73). The Congress-I was restored to power in 1980, under the leadership of Gundu Rao, who proceeded to govern with such bungling ineptitude (Manor saves his most cutting language for Gundu Rao) as to alienate "a vast array of important social groups" who then, in January 1983 "astonished India by rejecting a Congress government for the first time". According to Manor "Because so many alienated groups had turned to the opposition, the Janta government which took power in 1983 contained representatives of nearly every important social force in the state. Despite ill-informed and quite unsubstantiated clichés in sections of the Indian press, lingayats and vokkaligas have not succeeded in dominating that government" [this and the preceding quotations Manor 1989; 356]. His view was that as a result of these events in the early 1980s, it was no longer possible for any single social force to dominate Karnataka politics and he (correctly, as it has turned out) foresaw that politics in Karnataka might become increasingly unstable.

The local dominance of lingayats and vokkaligas may have persisted—this is quite clearly shown by Ray and Kumpatla's analysis of the social backgrounds of zilla parishad presidents in the mid-1980s, under the Janata government of the state (1987)—but they were no longer dominant, Manor maintained, as they had been at supralocal levels. He considered that "the problem of the Hegde government [after 1983] was not that they favored locally dominant groups but that they risked spreading their resources too thinly

by distributing largesse to nearly every sizeable group in the state” (1989:357). Srinivas and Pannini had been even more positive about the character of the Hegde government, suggesting that it had “restored the bias that Urs gave to rural uplift and poverty eradication” (1984:73). Ray and Kumpatla, however, found that in local government the representation of lingayats and vokkaligas was greater under Hegde than it had been in Urs’ time and held that because the Janta government had neither the will nor the capacity to challenge local power holders the newly created powerful [panchayat raj system of democratic decentralization is unlikely to create substantial gains for the rural poor” [1987:1825], a finding which is broadly substantiated by Manor’s own later work on panchayat raj in Karnataka, with Richard Crook. Crook and Manor argue that decentralization in Karnataka has improved political participation and government performance, but, they say “Even (this) the most successful of our cases showed little evidence of having been particularly responsive to ‘vulnerable groups’, the poor or the marginalised” (1998:301). In Karnataka there was no mechanism or political process for checking the exercise of local power, such as might be supplied, they imply – a la Kohli- by dominance in the political system of a leftist party. We should not then” expect democratic decetralisaition in India to assist in poverty alleviation over the short to medium term, unless the centralized system is dominated by a leftist party” [Crook and Manor 1998:77]. The Urs regime, and subsequently the Janata/Janata Dal, failed (pace Srinivas and Pannini) be bring about radical change in Karnataka politics”: Hegde, like Urs, heads a party which has a loose ideological and organizational setting...it has an incompatible leadership structure emanating mainly from discrete and pre-existing political background [The recurrent conflicts between the top leaders of the Janata Party, later Janata Dal in Karnataka-Hegde, Bommai and Deve Gowda, a brahman, a lingayat and a vokkaliga, respectively-bear out this point]. The Janata Party has no ideological commitment to the poor; its ideology can be spelled out only in terms of some generalities like democracy and decentralization. The hold of the dominant landowning castes in the party is enormous. Its policies and programmes are not therefore intended to imperil the entrenched interests of the propertied classes as a whole...[Ray and Kumpatla 1987; 1830]. Manor, and Kohli, in the light of their commentaries on the Urs’ government, might well argue that this is precisely the point: these were regimen which were able to pursue modestly progressive agendas because pursuing the politics of accommodation- they took a pragmatic attitude towards propertied classes. But it has yet to be demonstrated that they achieved lasting benefits for poorer people in Karnataka and, it would seem, from the studies of Minhas-Jain-Tendulkar (1987) and Datt-Ravallion (1998), that they did not). The 1994 elections to the state assembly in which lingayat and vokkaliga won, respectively, 29 and 24 per cent of these seats, show the persistence of their influence (see also Harold Gould’s analysis (1997) of the Janta Dal electoral strategy in the general elections in the state in 1996, which confirms the point.

In sum, it is not clear that ‘middle’ caste/class dominance has been shaken in Karnataka, or that lower castes/classes have exercised some voice in the way that they have in Andhra and in Gujarat. It is possible that both the Urs and the Janata Party/ Janata Dal regimes have been more ‘pro-poor’ than others, but it has yet to be shown that- if this was so-they have had much effect.

(4) **Maharashtra:** Jayant Lele, who has written extensively on Maharashtra politics, says of the marathas that "In no other state do we find an ideologically guided and economically differentiated caste cluster of this size"(1990:189) and Robert Jenkins sums up Lele's views on the politics of the state as follows, "the Maratha caste cluster has constructed a system of elite-pluralist hegemony, which subsumes many unprivileged members of that caste cluster as well as other dis-advantaged castes, and has cut short a 'coalition of the disadvantaged'.. The system is flexible enough to respond to most challenges of change" (1996:210), note 12). Dalits have been more consciously organized in Maharashtra than has been the caste elsewhere in India, and in consequence perhaps there has been more 'generous' accommodation of elites from the scheduled castes, scheduled tribes and Muslims than elsewhere, so that "They have developed a vested interest in maintenance of the system. Lele says elsewhere, "Ambedkar's project' of low caste emancipation 'is on the buffers'... (While).. Those from the Other Backward Classes...have also realised that without control over land or trade, without a caste cluster ideology equivalent to that of the Marathas or Mahars [the most numerous Scheduled Caste] and without concentrations mobilizing against Maratha hegemony or the Congress system cannot yield a lasting alternative system of rewards" [Lele 1990:188]. The Maharashtra government was unable to provide satisfactory information to the Mandal Commission about the status of the 'OBC's in the state, but there was also, unlike Gujarat, little in the way of 'anti-reservation; outbursts in Maharashtra in the 1980s, the state's widely celebrated employment guarantee scheme (EGS)-the state's most important anti-poverty programme, has played a significant part in 'the system' too; "Large part of the funds for the EGS is provided by the prosperous urban sector of the state..(the) politically powerful rural elation the state succeeded in extracting finance from the urban sector for the EGS in order to get benefits from the assets created in the rural areas [whilst also managing potential resistance :JH]" [Mahendra Dev 1995:2674].

Another outcome of the system was that Congress rule proved most durable, amongst all major states, in Maharashtra and until 1995, the party was only out of power there for two years (and even then, the government which ruled between 1978 and 1980, in the aftermath of the emergency, included who had been and who were to be again leaders of the Congress-I). The 1995 state assembly elections saw the first serious challenge to both Congress and the Maratha dominance. The BJP-Shiv Sena alliance won 29.1 per cent of the vote and 64 and 73 seats respectively against the Congress 80 seats (and 30.9 per cent of the vote), bringing about the first change of party regime. For the first time in its history, the state had a real non-Congress government, and one not dominated by Marathas coming from rural areas. The caste compositions of the Vidhan Sabha did not change very much in 1995, though its social character was changed in other ways. Maratha strength was maintained but the kinds of Maratha who won were different from the who had held seats in previous assemblies. The Maratha Maha Sangh (a caste association) allied with the Shiv Sena, but successful maratha candidate who won on the Shiv Sena ticket were young and had little or no support from Maharashtra's co-operatives or other institutions: "they are those disgruntled elements who are not absorbed in the local power structure by the clannish Marathas of the Congress" [Vora 1996:173; points confirmed in Banerjee's analysis (1997) of the success of the BJP-Shiv Sena in the 1996 general election]. The BJP's 64 MLAs "reflected the party's systematic

image” [Hansen 1998:147]. Only 10 were brahmins and 24 came from the maratha-kunbi caste cluster.

A commentator argues that in India’s most urbanised and industrialised state “the rural-based Congress is becoming irrelevant” [Vora 1996:172], but the same writer goes on to suggest the at crucial factors in the elections were first, the Congress in-fighting, which meant the there were large numbers of rebel Congress candidates, and second the party’s loss of support amongst Muslims (following the violence against Muslims in the Bombay riots of 1992-93). Here, as elsewhere, the self-destruction of the Congress has played a significant, if not vital, part in the BJP’s rise. It is certainly still too early to write off the Congress as a political force in Maharashtra (though as a political force in Maharashtra it has been further damaged by the recent split between Sharad Pawar and Sonia Gandhi). But meanwhile there has been a change of party-regime for the first time in Maharashtra. The significance of this has yet to become apparent. On one level the BJP-Shiv Sena seems to accommodate different class interests very effectively, though in a different way from that which worked under the old Maharashtra Congress system in Maharashtra. The implications in the longer run of local challenge to Maratha dominance may be profound, at in terms of policy, at least in the short run, there has not been great deal of change.

C. States in which lower castes/classes have been more strongly represented: Kerala, Tamil Nadu and West Bengal are states which stand out because their castes/class structure have historically been quite fragmented. In none of them was upper caste dominance as strongly entrenched as in the north (though brahmins had positions of importance in all of them); none of them has ‘middle’ castes extending local dominance over wide areas, as is the case with the marathas, the reddy or the lingayats and vokkaligas. In all the three states there are strong indications of higher levels of political mobilization and participation by ‘lower’ caste/classes than is true elsewhere. Papers in Wood (1984) substantiate this case for Kerala and West Bengal, where it is due to the activities of a left-of-center party, the CPI (M) which has combined coherent leadership, pragmatism towards the propertied classes, and ideological and organizational commitment which has successfully challenged local landed power-holders. In both states there has been more significant effort made at assets re-distribution through agrarian reform than elsewhere. Kerala, however, has a more developed civil society and more political competition, whereas the CPI (M) in West Bengal has become rather a monolithic machine. Echeverri-Gent acknowledges “The party’s relative successes in dislodging traditional landed elite..”.- But he argues that “democratic competitions is essentials in mainting party commitment and discipline over the longer run” and he fears the “The declining competitiveness of politics in West Bengal suggests that there may be a reduction in responsiveness to the rural poor” [Echeverri-Grent 1993:168-169]. None-the less the work of Richard Crook shows that amongst all the instances of decentralization which he has been able to identify and to study from across the world, west Bengal’s has been most successful. He concludes his comparative study arguing that “It is highly significant that the most successful cases [like West Bengal] were the ones where central government not only had an ideological commitment to pro-poor policies, but was prepared to engage actively with local politics to challenge local elite resistance if necessary and to ensure implementation of policies”. (Where central governments had

not confronted local elites, the results of decentralisation in relation to the poor were universally poor).

In Tamil Nadu the participation of lower castes/classes had rather been articulated by a local, regional party which at one time propagated cultural nationalism, and which has had charismatic leaders who have successfully appealed to lower castes/classes through populist programmes. Cross-class political alliances have been established by fairly well-institutionalised political parties. Politics is quite clearly not upper caste/class-dominated as in (say) MP, or middle caste/class-dominated as in (e.g.) Maharashtra, but the DMK/AIADMK regime does have a petit borgeo is rather than working class character. Kohli's observation on Madurai suggest that the ADMK became deradicalised, failed to build institutional roots (beyond the MGR fan clubs), and failed to deliver on its anti-centre, anti-brahman and pro-poor goals, which "slowly brought to the fore a ruler elected primarily by virtue of his personal appeal" (1990:182). Similarly, Wasbrook views "the AIADMK regime was one of bread (or rice) and circuses (or movies) and in broad political terms, might be conceived as a form of Bonapartist or Caeasarian democracy. Classically, the bourgeoisie, or the elite of wealth, withdrew from a formal positions of control over the state apparatus and the constitutional political process. Not only was their direct control no longer necessary for the purposes of capital accumulation but their attempt to exercise it provoked resistance and instability. Formal control was transferred to {I would rather put it, "was assumed by"} a cadre of professional political managers who on the basis of a populist ideology, mollified resistance by turning what was left of the state into a welfare agency and by stirring up feelings of patriotism and atavism" [Washbrook in Frankel and Rao 1989:258].

In conclusion, therefore, there does seem to be a strong case for differentiating between the political systems of different states in terms of balance of caste/class power, and the nature of their party system, and it may be expected that these differences can be shown to influence the policy process and the performance of the states. For example, in the groups of states where middle caste/class have been dominant, middle income state (according to Datt and Ravallion) like Andhra Pradesh has done better in poverty reduction than Karnataka, and a high income state like Gujarat (probably) better than Maharashtra. It seems likely that, in each of the more successful cases, the power of locally dominant castes/classes has been challenged to a greater extent. Agricultural growth in Karnataka has been slower than in AP, and probably less pro-poor as well (lower level of increase in about absorption and lower rates of increase of real wages in agriculture). Similar appear to the case of Maharashtra vis-à-vis Gujarat [according to the analysis of Blalla 1987]. This reflects the continuing power of local dominant castes/classes which can lead to what has been described as 'responsive wage deceleration', or the bidding down of wages by the locally powerful. Andhra Pradesh, too, has a more institutionalized party system than does Karnataka, where the party system is increasingly fragmented though it is still dominated by the locally powerful middle castes/classes. Unsurprisingly Crook found that decentralization in Karnataka was less effective in relations to poverty alleviation than in West Bengal given that the central (State) government made no attempt to challenge local power. There has been more party competition in Gujarat than in Maharashtra, which may have made rather greater responsiveness to the poor (e.g. through the PDS). Where stable, relatively well

institutionalized parties compete for their votes, the political system is likely to be more responsive to the needs and interests of poorer people, and more effective in bringing about poverty reduction.

Notes

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1. Frankel's masterly analysis of India's political economy 1947-77 shows how accommodation worked and what its effects were [Frankel 1978].
2. In two-volume work Dominance and State Power in Modern India (1989,1990) edited by Frankel and Rao, various authors analyze the relations of dominance in this sense, and 'state power' (the excretion of secular authority by individuals appointed or elected to offices of the state, who claim legitimacy under the law'). A central theme of the work as a whole concerns the decline of 'dominance', associated with brhmanism.
3. There is a lot of variation in terms of the quantity, content and quality of the literature relating to different states, which presents a serious problem for exercises such as the present one. Very little is available on the politics of Madhay Pradesh, in particular (no articles in the Economic and Political Weekly, for example, between commentaries on the 1967 General Election and some on the assembly elections of 1993), and not much on Orissa.
4. Church and others refer to the last censuses which attempted to record population numbers by caste categories, those for 1921 and 1931, in working out caste distributions in different parts of India.
5. The concept of 'backward classes' is an important one, and is politically alive in India. There is a long history of official debate over whether or not members of certain other caste groups should be the subjects of positive discriminations- as are the schedule casts-on account of their 'social' backwardness Article 340 of the Indian constitutions refers to 'other backward Classes' who may be eligible for preferential treatment in access to public sector employment or so educational institutions and requires they should be identified by a commission appointed by the president. When the V. P. Singh government decided, in 1990, to adopt the recommendations of the second such Backward Classes Commission there was violent protest from members of upper castes, especially and northern India. The extraordinary sensitivity surrounding 'Mandal' (the name of the chairman of the second comission, which came to be applied generally to the recommendations of the report) is in part a reflection on the increasing political strength of some of the OBCs. It may also have contributed to its developments. One reason for favouring the use of Church's distinctions between 'middle' and 'lower' cases castes rather than-as is often the case, in political commentary in and on India-sing only the category of 'OBS's, is precisely that the latter are quite clearly differentiated in the way the Church suggested.
6. 6. A fortiori during the period in which Jayalita leader of the ADMK, was chief minister Tamil Nadu after 1991.

7. Jenkins argument, developed in the context a discussion about 'the politics of protecting the poor', in the process of economic reform in Maharashtra, is an interesting one. He suggested, "that both the rich and politicians alike, though clearly diverting to themselves a good deal of the resources meant for the poor, have something to gain from preserving a system of social welfare which has allowed them to control the flow of resources and thereby to shore up their wining traditional authority there many be life left yet in the corpse of political accomodationism " (1996:200). And no bad thing, either, for the poor of Maharashtra, the seems to suggest, stand their best chance of gaining some protection from the effects of economic liberalization. There are political pressures in India, in his view, which will tend to create the conditions for the type of coalition envisaged by Joan Nelson between 'some among the poor' and those in middling income deciles.

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Table-1
Typology of Political Regimes in Different States, Early 1980s

Category	Characteristics	States
A	Upper caste/class-dominated Congress regimes	Bihar, Uttar Pradesh + [Madhya Pradesh, Orissa, Rajasthan]
B	Lower castes/classes recruited into Congress regimes	Gujarat, Karnataka, Maharashtra [?;JH] + [Andhra Pradesh?]
C	Lower castes/classes strongly represented in non-Congress regimes	Kerala, West Bengal +[Tamil Nadu]
D	Competition between Congress and a 'middle' caste regional party (excluding lower castes/classes?)	Punjab

Notes:

1. The evidence supporting Church's classification is found in the papers in Wood (ed.) (1984).
2. I have added other states (+[...]), which Church did not consider, in the light mainly of evidence found in the relevant chapters in Frankel and Rao's two-volume work on state politics. 'Orissa, described in detail by Mohanty (1990) as still dominated by brahmanas and Karans (Scribble comparable with kayasthas in northern India). Rajasthan, dominated by rajputs, as indeed it remains to the present (see the article by Jenkins 1998 which show how even the jats in the state, and important 'middle' caste in Church's terms, have been kept out of power). Madhya Pradesh, is not included in Frankel and Rao's volumes, perhaps because, as Christopher Jaffrelot has noted recently, traditional dominance by princes and upper castes was still not to decline in that state at the time at which Frankel- Rao and co-authors were writing, in the mid 1980s- indeed it hardly is today [Jffrelot 1998:40].

Andhra Pradesh is perhaps more clearly placed in category B than Maharashtra, Andhra polices were will still dominated mainly by Reddys, and in some of the coastal districts by Kammas, in a way which was comparable with Maratha dominance in Maharashtra. But, Ram Reddy notes, "The Congress Party [on Andhar] under the direction of Indiar Gandhi [and her satrap, P.V.Narasimha Rao, as chief minister] succeeded to substantial extent in weakening the hold of the rich peasantry over the 'vote

banks' provided by the poor peasants and landless [this is nalsed in details in the ethnographic account of Marguerits Robinsion (1988)", so that when Indira Gandhi was defeated nationwide in 1977 after the period of emergency rule, "in Andhra Pradesh the Janta Party could not make a dent in her hold over the poorer sections, the backward castes and the harijans continued to identify Mrs. Gandhi with the poor, while the dominate agriculture castes aligned themselves with the Janta. The congress victor, with the support of the weaker sections, indicated an increasing social polarization both along caste and class lines" [Reddy in Frankel and Rao, 1989:284].

Tamil Nadu: Here the Congress lost control in 1967, ceding power to the Dravid Munnetrath, Kazaghham. A regional party which propagated, Tamil cultural nationalism, and which was successful in mobilising lower castes against Tamil Nadu's relatively fragmented dominate castes.

Punjab: while each of these major states presents a distinctive political history, Punjab arguably been distinguished. The structure of dominance around brahmans/kshstrijas which have been distinguished. The structure of dominance around brhamans/kshstrijas which prevailed over most of India was not strongly developed here, because of the importance of Sikhism. Punjab was also strongly also strongly affected by social de reform movements with anti-brahmanical overtones, in the later 19th early 20th centuries. So it has not been a state with an 'upper cast /class dominated Congress regime. Modern Punjab politics are fundamentally influenced by the relations of Sikhs, who are predominant in rural parts of the state, and Hindu who, although they only make up a little more than a third of the whole population are numerically dominant in urban areas. Politics have been dominated since independence by competition between a strong Sikh –based regional party, the Akali Dal, and Congress, both of them subject to intense factionalism, with the communist parties and Hindu nationalist Jan Sangh /BJP also playing significant roles. It is said that "Elite (Sikh) Jat and dominance under the hegemony of successful landowners is one important dimension of the Akali Dal" [P Wallace in Frankal and Rao 1990:456]. In terms of Church's definitions it can be describe as a 'middle caste dominated party. Some Poorer Sikhs, including Sikh artisans, certainly the Sikh Scheduled castes (who make up close to 30 percent of the population), have generally been inclined to support the Congress, which has also been supported by some of the town-based Hindu, other of whom have supported the Jan Sangh/BJP. The communist parties have won support from " marginal (Sikh) farmers rather than landless labourers" [P Wallace in Frankle and Rao 1990:446]. The Akali Dal has usually had to pursue a strategy of accommodation with Hindus in order to secured hold office, and has commonly entered into alliance with the Jan Sangh/BJP (as indeed it has done at the national level within the loose coalitions which have kept the BJP in office in central government after the 1998 general elections).

The effect has been to exclude those who would be referred to in terms of schema proposed here as 'lower castes/classes' from significant political participation; and it though that the movement led by Bhindranwale, which brought civil war to the state in the 1980s, appealed to poor Sikhs as well as to educated unemployed youth.

3. Haryana, Himachal Pradesh, Jammu and Kashmir and Assam, amongst the major states, are not considered here.

Source: Church (1984)

Study material

Towards a Theoretical Framework for the Study Politics in India: Some Observations

Sudha Pai

While the volume of literature on State Politics in India is steadily growing, few attempts have been made to develop a common theoretical framework for the study of "State Politics" separate from theoretical frameworks used to study the Indian political system as a whole. Within a federal system, the states play an important role, however in India, the study of state politics remained largely neglected upto the mid 1960's. The slow growth of interest in happenings in the states can be traced to a number of reasons. In 1947, the Centre "created" the states, and a single written constitution was framed which treated the country as an organic whole, and which has tried to bring a basic uniformity to the system. The Centre had many ways by which the states could be controlled due to the interventionist measure granted by our constitution to it, specially President's rule. The existence of a one party dominant system for a long period was an added factor frustrating an autonomous growth of state politics. These factors led to most writers in the first few decades focussing attention on politics at national level. Moreover, developments since 1947 have shown that there is no one pattern of politics where the sates are concerned-but many. India is a "segmented" polity; happenings in one state do not affect another State¹: This lack of uniformity makes comparisons and generalizations difficult. In fact some writers have raised the question of whether a common theoretical framework is possible, or even desirable.

In recent years, attention has been more sharply focussed upon the states, as is evident from the literature reviewed in this paper. This is a welcome change, because state governments, more than the central government are in charge of functions relating to public welfare and the political system is so structured that a large part of political activity takes place in the states. This underlines the importance of a theoretical framework for the study of state politics. Such a framework would provide a direction, a focus and a framework of analysis to the increasing research on State Politics which otherwise seem rather isolated.

For purpose of review the period since Independence can be divided into three phases and examined.³ The first phase falling roughly from 1950 to the mid 1960s was one of slow beginning of interest in political events taking place at the national level. A few pioneering studies, which focussed attentions on the states, did take place. The organization of states and linguistic problems drew attention.⁴ A number of elections studies were conducted. The most important being S. V. Kogekar and R. Park's study of the 1951-52 General Elections under the auspices of the IPSA and studies of the 1957 mid-term elections in Kerala.⁵ Kogekar and Park pointed out that the states provided a far better level for analysis than the Centre. A systematic study of state elections beings, from 1962.⁶ The governmental organizations of many of the states was also studies. From the methodological point of view, most studies were conducted under the formal-legal approach, which was then dominant. This approach let to many studies, which provided excellent descriptions of the formal structures of the politico-administrative system. Since, the study of state politics was just beginning; these studies played a useful role. However, the use of

mainly the formal-legal method precluded study of the actual functioning of state governments and political processes in the states. Many important political changes in the states were largely ignored and could not be explained within the framework of analysis adopted. Moreover, scholars did not try to *interrelate* important developments in the states; rather political phenomena were studied in isolation. For example, the report of the States Reorganization Committee, entry of new groups into the Congress party, increasing regional aspirations, etc. were not taken into consideration in many early studies on elections in the states. A few writers did look at political processes in the states, though in a largely descriptive pattern, Rajni Kothari had developed his framework of "One-party dominance" but it was not applied to states.⁷ During this phase we also find that some areas were hardly touched upon at all, such as leadership patterns in the states, decision-making processes in the various branches of the state government, economic disparities between and within states etc. This was because it was a phase when attention was focussed largely upon state politics and the fact that political activity at the state level is different and shaped by its immediate environment had not been fully appreciated.

The second phase begins with the political change in 1967, which drew the attention of scholars, but its real beginnings date from an all-India Seminar on State Politics in Jaipur in December 1965. The papers of this seminar were published in *State Politics in India* edited by Iqbal Narain.⁸ This marks the beginning of a systematic study of state politics. Mention must also be made of Myron Wiener's edited volume *State Politics in India* published around the same time.⁹ The importance of these volumes lies in the fact they provided a starting point. A history of the formation of many states, patterns of leadership and social stratification etc.; state party system, patterns of leadership and social stratification etc. were focussed on in detail for the first time. These proved useful for further research.

Iqbal Narain presented a three-dimensional approach to studying state politics-contextual, structural and operative-within a systemic perspective. It was not expected to be a complete theoretical framework, but rather an approach which researchers could follow and where by the study of state politics would grow. Myron Wiener's book grew out of the work of the Committee on State Politics in India, a group under the larger Committee on South Asia. Hence this volume is part of the effort in 1960s to understand political developments in New States in Asia and Africa. The study also seeks to apply comparative methods to the analysis of political units within a single system, just as the New States were compared and analysed. Each state was hence both treated as a total system in itself and a constituent unit of a larger system. In this way a comparison of patterns of political development also functioning within a larger common unit would be possible. However, no common framework was used by all contributors to the volume hence, comparison was not possible. Wiener felt that it was too early a study and hence inappropriate to impose a common framework. A more important limitation however was that the common variables mentioned by Wiener-political stability, political integration, participation and types of participatory changes etc., are also borrowed from the political development approach. Hence his framework was primarily meant for describing and analysing some pre-conceived aspects of political change and the variables are not derived from a study of political processes in the Indian states. Nevertheless these two volumes provided useful data and analytical insights which researchers could follow-up.

A major characteristic of the literature during this second phase which lasts upto the early 1970s is that while attention is now focussed upon the states, they are viewed as sub-systems within a larger system and as existing on the "periphery" and contributing to all-India trends and patterns of politics. This is true both of the general literature during this period and of the attempts made to explain the major political change which occurred in 1967. Rather than attempting to understand what this change would mean where the states were concerned most explanations and theoretical generalization were pitched at the central level. Rajani Kothari's developmental model tried to explain the "shift" within the system of one party dominance as part of the ongoing process of political change in India and Iqbal Naraina's concept of 'polarized pluralism' provide two excellent examples. In the electoral change, coalitions governments, and new alignments of forces in the states in 1967 were 'fitted in' a part of a larger systemic change.

Kothari over many of his writings developed in the 1960s his concept of "one party dominance".¹⁰ He visualized a single Indian party system in which state party systems did not exist outside but were part of it. The dominance of the Congress at the state level upto 1967 is explained in terms of this ability to adapt to change, its highly developed skill in managing internal conflict and mobilization at the local level and also because it was not a monolithic structure, but could aggregate the demands of a highly differentiated following. It was only when this consensus broke down that state parties were able to take advantage and cut into the strength of the Congress. But by 1969 it was apparent that the result was party fragmentation and not a true multi-party system. By 1972 the Congress under Mrs. Gandhi forged a new economic and class-based consensus at the national level which made regional, linguistic and parochial alignments irrelevant. Hence Kothari held that that electoral politics, the shape of party systems and political processes in the states could be shaped by changes at the national level. Iqbal Narain's theme also put state party system into the all-India party system.¹¹ Hence no "independent political space" was accorded in the 1960s to political happenings in the states.

This emphasis on national politics is also seen in many early writings on Regionalism. Regionalism and the search for regional identities was seen as incompatible with national integration and transformation and dissolution of traditional ties and parochial values as essential for the emergence of a modern nations.¹² In the 1970s, looking at regionalism from the "periphery", studies portray a far better realisation of the factors underlying regionalism and regional movements.

Many type of empirical studies are seen in the 1960s. Since the shift to empiricism coincided with the major electoral change in 1967 in the states, it led to a number of voting behaviour studies. From 1962 onwards, voting behaviour studies had begun to appear. Rajni Kothari reduced his developmental framework into a research design, which formed the basis of many voting behaviour studies conducted by the Centre for Study of Developing Studies. In this party system, electoral behaviour and political development were seen as inter-related. Some of these ideas were published in Part I of the volume, *Context of Electoral Change in India: General Elections 1967*,¹³. However these deal with the relations of elections to the larger political processes at the national level, it is only in part II that a survey of the states is provided. Voting behaviour studies threw light on different patterns of voting behaviour in differing political and socio-economic levels of participation and contextual factors.¹⁴ Hence they added to our understanding of state power. However, voting behaviour studies have not been conducted

regularly over a number of state elections. They were rather isolated attempts, which merely explained how particular phenomenon such as feudal values, urbanization, literacy, political consciousness etc. operating in state influenced elections. Hence, most studies remained isolated empirical exercises, which did not contribute to a general theory of state politics.

The 1967 elections led to many General Election studies and aggregate data analysis studies. The general studies were largely descriptive and provided a macro-perspective of the electoral process.¹⁵ However they provided a lot of the data on which more sophisticated analysis was possible. In the 1967 elections we find general studies of state elections for the first time with state-wise survey of the electoral process. They also give us a picture of emerging power patterns and political participation in the states. Elections are not treated as isolated events but as part of the ongoing developmental process in the state. Aggregated data analysis studies were few in this phase and focussed largely on the relationship between ethnic factors- specially caste-and other potential influences such as party organization and patronage, personal influence on individual and group voting behaviour. Many have been instrumental in underlining the importance of caste and caste coalitions; in contrast party policies and ideologies were found to have a lesser appeal.¹⁶ However the methods used in aggregate data analysis have also been subjected to criticism, specially the arbitrary selection of geographical units, in-appropriate statistic tool and socio-economic variables.¹⁷

A number of empirical studies on "political elites" as "legislative elites" in the various states were also conducted. These studies provided useful data on the socio-economic back-ground of members of the state-legislative assemblies and often Cabinets, changes in the age and attitude of members, their perceptions of developments in India, etc. They also pointed to the entry of new social groups into politics as reflected in their increasing numbers in state legislative assemblies which became an important point of entry into politics in the 1960.¹⁸ A comparative analysis of these studies also shows how this process operated faster in some states and more slowly in others. However, these studies do not connect these finding to larger political processes responsible for creating different patterns of leadership in different states. Factors such as the rise of agrarian interests, emergence of strong regional identities, changing patterns of recruitment into party's etc. are not taken into consideration.

The defeat of the Congress party in 1967 in many states and the subsequent political changes, led to studies on coalition government, defections, factionalism, state party system etc.¹⁹. These studies described what was happening in the states due to the breakdown of the single dominant party and were studies generated largely due to the political change in 1967. Many institutional studies of the role of state Chief Ministers. Governors etc. are also seen.²⁰ The importance of caste in politics -specially its role in the states-is seen in the works of Andre Beteille and Rajni Kothari. Thus this was a phase when a large number of empirical studies were conducted, but from which no general theoretical framework regarding state politics emerged. The states were also still viewed as parts of a large system.

The third phase beginning from the early 1970s shows a number of important changes. In the 1970s and 1980s there has been a shift in focus from the national to the state level, which has conceded to the state an independent "political space" within the Indian political system. A number of studies of particular states which provide a comprehensive history of the state, institutional structure, political processes, elections, economic development and often even local

government have appeared. Sharma and Reddy's study on Andhra Pradesh and A.P Padhi's on Orissa are two good examples.²² Beside these political processes in different states have received attention. After the 1972 elections, general studies on election in individual states have also emerged which though descriptive yet provide much information about electoral issues, entry of new groups into politics, the socio-economic context in which elections take place etc. They are useful for future research on state politics.²³ Voting behaviour studies with a special focus on a particular social group or area have also been undertaken.²⁴ Many sophisticated data analysis studies have been made which provided rich insights into state party systems, their interaction with society and level of institutionalization, the effect of the processes of modernization on electoral politics, parties and voting patterns, etc. Hence they are really a study of state politics as seen through the electoral process.²⁵ An attempt has also been made to compare states in terms of voting and electoral outcome.²⁶ However, there have been no studies of state elections which are evaluative in nature and look at the implications of the electoral process for the working of the states.

State parties and party systems have also been focussed upon much more in this phase. Two types of studies are seen - studies on the Congress Party in the states and regional based non-Congress parties. Though studies on the Congress Party had been carried on earlier, these were limited to a few states such as U.P or Bihar.²⁷ Early studies of regional parties such as Baldev R. Nayar's *Minority Politics in Punjab* or Hardgrave's study on the Dravidian movement primarily emphasized on the stresses and strains in federal relationship between the union and the states. However in more recent years, studies which look at the working of parties within a state and its impact on politics, have been undertaken. Many of these studies look at the regional parties as the end product of regional and other socio-economic processes such as caste, agrarian change, economic disparities etc. or in some caste, parochial or particular interests which in the hands of opportunistic politicians, caste and traditional leaders have acquired prominence in new circumstances.²⁸ The question of what impact the rise of different regional parties has had on the Indian party system as a whole and how it has loosened the centralized federal structure has also been explored, though more such studies are required.²⁹

The increase in the volume of literature on state politics has also led to focus on areas, which were comparatively neglected earlier. Studies on leadership patterns in the states, interaction of caste and politics, are examples of such areas. Attempts have been made to understand the rise of new groups, "interests" and individuals in the larger context of social and political changes taking place which have produced different patterns in different states.³⁰ Caste too is no longer viewed as acting alone, but the complex inter-penetration of caste, class and power hierarchies and its differential manifestations in urban and rural politics have been studied.³¹ This shows that the importance of the inter-relationship between various political processes taking place in each state has been realized, and the study of any phenomena is no longer "compartmentalized" i.e. studies in isolation. This represents an important theoretical advance over the earlier period.

Comparative studies which compare states in terms of common political processes and problems, the "capacities" of different state government or "regimes." to deal with specific problems etc., have also appeared in the 1980s.³² They attempt to explain how states are functioning both within the larger system and meeting their challenges. Such studies enable us to see the peculiarities of each state as well as allow comparative interpretation.

This brief review of studies during the third i.e. the current phase shows that many different types of studies have been undertaken in the 1980s. There is no one method or approach, which seems to be dominant in the study of state politics. This is because of a larger shift in the study of Indian politics which in the late 1970s entered into what might be described as a post-behavioral phase. In this phase the earlier consensus on tools, concepts and methods to be used for studying Indian political reality broke down. This has had an impact on state politics.

Earlier empirical studies-on elections for example-have not been followed up. During the 1980s there have hence been no attempts to develop any common theoretical framework or put forward any means-level generalizations about the functioning of the states as a whole, although the need for such a theoretical framework is stressed in most studies.³³ Isolated studies which are not followed up or pursued over a period of time do not generate theory. Thus, inspite of the advances over the earlier phases, the gap between particularized observations and a general theoretical framework still remains. However, it is possible to assess how far existing works have contributed towards the building of such a framework.

For the building of a theoretical framework two types of studies are required. Firstly, each state and the particular political processes taking place within it need to be studied, such studies are important because although they are largely historical-cum-descriptive and not analytical they provide the base for more sophisticated analysis later.³⁴ These can be described as "case-studies". As we have seen the number of such studies on various states have been increasing but the existing data on states is "uneven", i.e. there are states on which very little work had been done. This case-study method can be seen as the first step towards a theoretical framework.

The second stage would then be comparative studies of various political processes, institutions, economic changes, the capacities of state governments to carry out their function etc. These are fewer in number, but increasing and they represent an advance over a purely case study method. Such studies could different cover political processes within a broad loose framework in order to allow study of both the specific features of each state, and the common characteristics it shares with others. Thus both "vertical" i.e. studies of particular states and "horizontal" studies i.e. comparative studies of particular states and could lead to broad generalization about the functioning of particular phenomena, such as political parties, elections, state organs etc. at the state level. These various studies are complimentary and overlapping. Theoretical and empirical studies need to proceed together. Only when many such studies take place that an over-all theory of "State Politics" is feasible.

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Approaches to the Study of State Politics

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As an intellectual focus of academic enquiry, 'State Politics' is a recent entrant in the Political Science firmament in India. Political Science has been, of course, pre-eminently occupied with the problematic of the State, but the term state incorporated under the rubric 'State Politics', has to be sharply distinguished from the usual connotations and denotations of this term which has dominated the centuries-old history of political thought. The idea of the State has evolved, essentially, as a metaphysical concept to prescribe the norms (or the forms) of political order in on-going human societies. No doubt, attempts have been made, from time to time, to spell out the empirical referents of the state concept, but the discipline of Political Science has yet to put forth any systematic account of the nature, texture and structure of the State which can be subjected to empirical investigations by the standard canons of the Scientific Method. The word State, as it is being used in the case of the term 'State Politics', is, on the other hand, a purely descriptive term which gives it an empirical status in a discipline which is overwhelmingly non-empirist frame-work of Political Science studies as a University-based discipline which in India is dominated by teaching rather than empirical research designed to understand changing political realities.¹

II

In the modern world, the meta-physical entity known as the State has been increasingly endowed with physical attributes and the term state has, gradually come to be applied to human collectivities endowed with a given set of characteristics, the most commonly agreed upon set of attributes of state-hood being Population, Territory, Government and Sovereignty. Leaving aside the complexities and imponderables (about which Political Scientists are fully conscious) involved in defining each of these four elements, the foregoing proposition implies that the empirical referents of the meta-physical concept of the state are to be found in terms of these four elements viz. Population, Territory, Government and Sovereignty so that any existent entity (i.e. whose existence can be verified by scientific investigation) which possesses all the four attributes (or elements) is a State. For a long time Political Scientist have been operating with some such definition of the State and this conception has been carried over into the sub-fields of Law, Diplomacy and International Relations with the result that the modern man has become quite accustomed to use the term State as if it refers to some concrete entity characterized by the above-mentioned (or their isotopic variations) set of elements and / or attributes. While the term State is finding increasing use for designating empirically existent entities, Political Scientists have themselves been all along quite uneasy with such a usage on account of the obvious fact that whatever be the elements and/or attributes that one chooses as the fundamental constituents of the State one can never hope to do away with such non-physical (or non-physically definable) ingredients as Government or Sovereignty.² Sovereignty, for example, is regarded as the *since-qua-non* of the State in the modern (post-Wesphalian) world, but in the entire range of Political Science literature no definition of Sovereignty is available which can be regarded as universal or amenable to universal agreement; the same is the case with the concept of Government for which so far no Social Scientist has been able to propose a definition which can be subjected to empirical investigation and verifications in terms of the standard scientific methods. The disillusionment of the empirically oriented Political Scientists with the State concept has been, in fact, so great that with the dawn of the second half of the twentieth century the term itself is going out of currency in the Political Science literature although the proposed substitutes (e.g. "political system") do not necessarily command general acceptance.

III

The world-wide tendency of real-life actors to appropriate analytical concepts and terms developed by thinkers and philosophers for purposes of intellectual investigations in order to designate some actual (or supposed to be actual) entities or institutions, finds its paradigmatic manifestations in the case of the constitution framed by the Constituent Assembly of India during 1946-1949 which established the Republic of India on January 26, 1950. In the Constitution of India the word State, in its singular or plural form, occurs in a number of Articles within varying contexts which may be roughly classified as follows:

- (a) State as a collective noun for a conglomerations of various territorial (as well as non-territorial) entities including states as in (b) below;
- (b) State as physically delimited territorial entities.

The Constitution of India, thus, employs the term State in two entirely different senses. In one sense (e.g. Article 1 and other related provisions) the Constitution of India provides that a) India shall be a Union of States; (b) the territory of India shall comprise of the territory of the States, and (c) the territories of the States shall be specified in the Constitutions itself. Leaving aside the Parliament's power to admit or establishes new states, according to the provisions of the Constitutions of India 3, the entity called "India" is defined, empirically speaking, only in terms of territorial referents and the term chosen for territorial aggregations is the territory of the states and the territory of India (which as per Article 1 the Constitution "shall be a Union of States") is simply a sum-total of the territories of the States and the territories of the union territories plus territories included under the provisions of Article 3Cc.

The other sense in which the term State occurs in the Constitution of India is, of course, much more well-known viz. Article 12 which states that, "Unless the context otherwise requires, "The State" includes the Government and Parliament of India and the Government and Legislature of each of the State and all local or other authorities within the territory of India or under the control of the government of India". Leaving aside the proviso regarding the authorities under the control of the Government India, we get the following list of the constituents of "the State" according to Article 12:

- (1) Government of India, (2) Parliament of India, (3) State Government, (4) State Legislatures, (5) Local Authorities, (6) Other Authorities.

Further, the text of the Article 12 of the Constitution itself uses "the State" as a single expression, puts it under double inverted commas and employs capitals for the first letter of the second word viz. State and, thus seeks to define "the State". This definition of "the State", obviously, has nothing in common with the definition of India as a "unions of states" and the specification of the territory of this union (viz. India) in terms of the aggregations of the territories of the 'States'. In fact, the definition of "the State" in Article 12 sub-sumes the states as defined in Article 1-3 and lumps them together with a variety of institutions under a single category for the sole purpose of spelling out certain other provisions of the Constitution.

The foregoing exegesis of the 1950 Constitution of India has been undertaken primarily with the view to establish that the subject matter of our academic enquiry into 'State politics' possesses an empirical referent defined by the Constitution of India and has nothing to do with the philosophical analyses of the nature, genesis and teleology of the State which has been the primary focus of political philosophy down the ages. We

definitely want to highlight this point for two reasons. In the first place, the discipline of Political Science has yet to imbibe the traditions of undertaking empirical research into existent and /or on-going political entities but the second (and, in our opinion, the more important) reason is that we are conscious of the fact the researchers investigating into empirically-defined or self-defined entities face the tremendous substantive as well as the methodological risk of the entity under security itself becoming non-existent.

IV

Empiricism (i.e. the study of existent phenomenon by methods and techniques which are dependent upon the use of human sense-organs in a way that the conclusions arrived at are capable of a sub-stantial measure of inter-subjective agreement between different observers) is claimed (as a counter-weight to the Behaviouralists' assertion that Political Science has been, traditionally, a non-empirical academic discipline devoted to speculations, intuitive prescriptions and *a priori* generalizations) have been a part of the academic tradition of political analysis as early as Aristotle who is reported to have collected and analyzed a number of constitutions as a foundation for his political philosophy. Without going into the details of the number and nature of the constitutional documents actually collected by Aristotle or the nature and scope of the analytical treatment to which he subjected the constitutions he was able to collect, we would like to stress that recently the Aristotelian approach to the study of Comparative Government has been increasingly re-designated as the study of Comparative Political Institutions signifying a discernible shift of emphasis from comparisons across a range of constitutions to institutions-wise comparisons across a range of constitutions.

Approaches to the Study of Comparative Constitutions

The basic approach to the study of Comparative Constitutions has been (at any rate in Indian Universities) to select five or six specific constitutions and undertake a detailed textual analysis supplemented by whatever factual information about their actual working is available in the standard textbooks. The constitutions usually selected for study are designated as "Major Constitutions of the World", but it would, perhaps, be equally (or even more) appropriate to designate them as the 'Constitutions of the Major Countries of the World', because the standard list of the constitutions taken up for study usually pertains to the following countries viz. United Kingdom, United States of America, Union of Soviet Socialist Republics, France and Switzerland; in most cases the actual study follows this enumerative sequence. Following the enactment of the Constitution of India in 1950, India was quickly added to the foregoing list in most Indian Universities, but, more recently, an attempt is being made to recast the list and, in some Universities, the range of the study of comparative constitutions has been expanded to include one or more countries like People's Republic of China, Yugoslavia or Pakistan. However, whatever the changes with respect to number and identity of the constitutions taken up for study, the basic approach has remained virtually unaltered; viz. using the text of the respective constitutions to carry out comparisons as typified in such well-known texts as Munro, Herman Finer, and Ogg and Zink etc.

The study of 'comparative constitutions' is, however, under-going a gradual transformation under the impact of empirically oriented scholars who are not satisfied with the methodology of using the constitution of a given country as a unit of analysis, but who would like to carry out political comparison in terms of the structure and performance of the actual institutions, obtaining in various countries of the world. One form of this gradual metamorphosis is represented by the work of such scholars as Carl J. Freidrich, J.

Blondel, S. E. Finer and others who have sought to shift the focus of academic enquiry to specific political institutions as the unit of analysis which enables one to extend the range of comparisons to any number of Constitutions (or countries) as contrasted with the earlier emphasis on "Major Constitutions" which restricted the range of comparison to the selected constitutions only.

A major radical transformation in the study of 'Comparative Constitutions' has, thus, been, wrought by the advent of a new sub-field of academic enquiry viz. 'Comparative Politics' which, to be sure, overlaps a great deal with the sub-field labeled as 'Comparative Constitutions' but which also departs radically from the traditional methods and concepts of comparative political analysis. While a host of scholars have contributed to the growth of the sub-field called 'Comparative Politics', the most important break-through may be said to have been the publication of Politics of Developing Areas in 1960 edited by Almond and Coleman⁴ followed by the publication of Comparative Politics : A Development Approach written by Prof. Gabriel A. Almond and G. Bingham Powell.⁵ In a sense, the Almond-Coleman volume totally discarded the constitution as a unit of analysis and prompted scholars to undertake empirical studies (including comparative studies) as to which specific structures were performing what specific functions in a given political system. Thus, the Almond-Powell volume sought to provide a basis for comparison of political systems; this line of analysis was carried forward by them in Comparative Politics: System, Process and Policy published in 1978 and revised substantially later on.⁷

V

Taking into account the fact that roughly similar politico-territorial entities like the 'Provinces' or 'States' have been in existence for over one and a half a century in India, it is rather surprising to find that almost no attempts have been made, so far, to systemically study the empirical political processes, institutions or behavioral patterns obtaining in such sub-units. Thus, whether one looks for systematic studies on 'Provincial Politics' in pre-1947 era or 'State Politics' in post-1947 period, one comes across only a few stray pieces few of which can claim to be a systematic enquiry, let alone the question of adopting the scientific method of enquiry into empirical political realities. In fact, so extreme is the scarcity of studies in this field that no scholar has even tried to enquire into the reasons for the poverty of research in an area which should have, on account of the theoretical orientations of the Political Scientists, suffered from surfeit of studies rather than being not even recognized as a legitimate sub-area of Political Science studies.

It is, indeed, amazing that sub-units like Provinces and States have continued to exist in India for such a long time without attracting the attention of academic scholars in a discipline (viz. Political Science) which has a long tradition of comparative analysis of roughly similar political system. Under the various pre-1947 Government of India Acts and the 1950 Constitution of India a number of politico-territorial entities with a well-defined set of legal-formal characteristics have been operating in the Indian sub-continent for over one century and one would have expected the Political Scientists well-versed in the field of 'Comparative Constitutions' to have extended the scope of comparative political analysis to the structure and performance of these sub-units also. All the key conditions for application of the 'Comparative Method' to political analysis were, clearly, satisfied by the 'pre-1947' 'Provinces' and 'post-1950' 'States', but the first major systematic study in this field was published only in the sixties and that too exogeneously as a result of the initiative taken by an "informal group" of U.S. scholars.⁸

Why were studies of 'State Politics' or 'Provincial Politics' in the Indian context not undertaken prior to the above mentioned academic initiative which was actually set in motion by two seminars at the University of Chicago (April 1961) and the Massachusetts Institute of Technology (in 1964) in U.S.A.? These questions can be addressed to two sets of scholars viz. A) Those who claim to belong to the academic discipline known as Political Science and (b) those who belong to other Social Science disciplines which also claim to make a study of 'politics' or the political aspects of the subject-matter under their investigation.

This differentiation is essential because, in our view, 'State Politics' as a separate sub-area of academic has been enriched more by the latter group of scholars rather than the scholars who would like to be formally designated as Political Scientists. As one of the explanatory postulates to resolve this problem, we would like to put forward the thesis that this was so mainly because Political Scientists were, till recently, primarily engaged in study of the History of Political Thought (H.P.T.) or studies relating to "Comparative Constitutions" and neither of these traditions is conducive to development of an intellectual impulse to carry out systematic investigations of empirical political realities either at the level of the sovereign state or at the level of infra-sovereign sub-units of sovereign-states. While the metaphysical and non-empirical (even, at times, anti-empirical) overtones of the H.P.T.-tradition in Political Science need no elaboration, the failure of Political Scientists to extend the comparative method to study the structure and performance of infra-sovereign sub-units of sovereign-states needs a more detailed probe, specially in the Indian context.

VIII

There is no doubt that Political Scientists in India have been trained to study the similarities and dis-similarities of selected political systems right from the advent of the academic discipline of Political Science in the Indian Universities. On purely a priori grounds, therefore, one can argue that an academic trained to carry out comparisons between comparable political systems would be equipped with sufficient internal intellectual motivation to extend the range of the comparative method (by applying it) to more and more political systems which can be characterized as comparable. One may, in this context, further argue that the pre-1947 provinces and post-1950 states in India are "political systems" which possess enough similarities and dissimilarities to attract the attention of academic scholars interested in comparative analysis of political systems. The foregoing propositions, however, have remained only logical indicators of academic possibilities and, in actual reality, Political Scientists in India have, more or less, ignored the (theoretical) temptations of extending the frontiers of comparative political analysis to the political systems of the pre-1947 provinces and post-1950 states in India.

Apathy Towards Study of Sub-Sovereign Units

Reviewing the literature on State Politics in pre-and post-1947 India, Sushil Kumar noted that 'Indian scholars were, for long, apathetic towards the study of state politics', but he failed to pin-point the intellectual blinkers which were responsible for "insufficient appreciation of state politics as a significant field of inquiry".⁹ While Sushil Kumar ascribed the apathy of Indian scholars (he had in mind mainly the scholars belonging to the academic discipline of Political Science) to the "general backwardness of political science in the country" which is merely a contingent explanation (in the sense that it explains the paucity of studies in the field of State Politics in one particular country at a given point of time) which does not enable us to account for the over-all failure of Political Science scholars to develop the study of political systems of infra-sovereign sub-

units of sovereign-states. After all, 'Political Science' has developed a corpus of theories and techniques for comparative study of one type of political systems (viz. 'comparative constitutions') and there must be some general explanation for the contingent fact that these theories and techniques have not been applied to other types of political systems. In our opinion, the 'Political Scientist' apathy towards 'State Politics' is rooted not in the "general backwardness of Political Science" in this or that country, but springs from the well-developed intellectual fixations of Political Scientists towards one type of political systems to which alone they are trained to apply the word "political systems" and which they regard as the main (if not only) legitimate focus of academic enquiry viz. sovereign politico-territorial entities i.e. sovereign-states.

We have already noted that the 'constitutions' picked up for political analysis by students of comparative constitutions are, invariably, constitutions of sovereign states and the intellectual approach which insists on expanding the scope and range of the discipline to analyses the 'constitutions' of not-sovereign politico-territorial entities (as well as non-sovereign non-politico-territorial entities) is facing considerable resistance as far as being recognized as a legitimate sub-field of Political Science is concerned. This is so not only in India (where one may continently regard Political Science as being backward for under-developed), but all over the world including sovereign-states whose constitutions seek to institutionalize a variety of infra-sovereign politico-territorial entities. Political Scientists, in other words, have, all over the world, adopted an intellectual approach which gives primacy to certain types of politico-territorial entities and other politico-territorial entities, (even though they may be almost identical) are not only given scant or subsidiary attention, but are actually regarded as belonging to an altogether different class. The hall-mark of 'Political Scientists' classification or criterion of eligibility is, of course, the much-discussed concept of sovereignty so that only those politico-territorial entities are considered suitable for political analysis which posses (or claim to posses) sovereignty. No doubt, sovereignty is one of the most controversial concepts in political theory and much of the controversy actually revolves around the empirical indicators of sovereignty, but this controversy only serves to reinforce the traditional reluctance of Political Science-based students of comparative constitutions to extend the range of their enquiry to politico-territorial entities whose claim to sovereignty is either doubtful or non-existent.

Politico-territorial entities like states or provinces or districts or counties or cantons or communes or Panchayats do not, ex-definitio, posses (or claim to posses) the hall-marks(s) of sovereignty, but, apart from the fact that they are infra-sovereign, they resemble the sovereignty-possessing politico-territorial entities in most respects. Conventional wisdom of the Political Scientists, (specially those involved in the study of comparative constitutions), would, however, reject the foregoing proposition (viz. infra-sovereign politico-territorial entities bear a close resemblance to sovereignty-possessing politico-territorial entities) thereby leading to a near-total neglect of the applications of the theories and techniques of political analysis to such infra-sovereign politico-territorial entities. As we have already argued, Political Science is an academic discipline which is heavily overlaid with the study of metaphysical concepts in the classical traditions of philosophy and the only intellectual contact that Political Scientists conventionally make with concrete empirical political realities is through the study of comparative constitutions and we have just shown that the attention of students of comparative constitutions is almost exclusively focused on only one type of empirical reality viz. the constitutions of sovereign states. This enables us to arrive at a general explanation regarding the failure of Political Scientists, all over the world, to develop appropriate theories and techniques for the study

of infra-sovereign politico-territorial entities which, almost invariably, exist within every sovereign-state and, in some cases, may be regarded as pre-existent ie existing before the given sovereign entity came into existence.

IX

The under-development of the sub-discipline of State Politics is, therefore, rooted not in the state of development or under-development of Political Science in one country or the other but, on the contrary, it is inherent in the traditional intellectual approach of Political Scientists which places a heavy emphasis on the study of only one type of politico-territorial entity viz. sovereign-states. Thus, we find that it is not only the study of 'State Politics' in India which is under-developed; studies in the field of Local Politics (or 'Local Government and Politics' are deficient and/or underdeveloped not only in the context of India but also other countries including countries whose constitutions are invariably taken up for in-depth study all over the world. Thus, politico-territorial entities sub-summed under the general title of "Local Bodies" exist in nearly all the sovereign-states of the world and such politico-territorial entities have been in existence for quite a long time in at least three (viz. U.S.A., U.S.S.R. and Switzerland) sovereign-states which are invariably included in the Political Science curriculum for study and research. Yet, while the studies (and, therefore, the theories, testable hypotheses and research techniques) in the field of comparative constitutions have proliferated at an accelerating rate, the corpus of systematic knowledge about State Politics and/or Local Politics remains underdeveloped even with regard to the sovereign states subjected to detailed political analysis by Political Scientists for a long time.

The neglect of 'State Politics' and /or "Local Politics" by Political Scientists is, therefore, a direct consequences of the intellectual foundation of the discipline of Political Science as it has evolved (over a long period of time) mainly as an academic discipline focussed on philosophical speculations (including prescriptive stipulations), which become empirically relevant only in the case of politico-territorial entities characterized by sovereignty.

X

Since the dawn of twentieth century the literature on 'Indian Government and Politics' is burgeoning, but, as yet, only a handful of academic scholars have made an attempt to propound "broad-gauge" theoretical generalizations based on all-India empirical data. No doubt, an impressively large number of academics have been engaged, on a whole-time basis, in the study and research in the field of Political Science in India, but their combined output has been quite negligible in terms of systematic and /or scientific studies of the political phenomenon in the empirical context of India whether one looks at the pre-1947 era or the years following the end of the *Pax Britannica* in the Indian sub-continent. The result is that nearly forty years after the emergence of the Republic of India as a sovereign-state, Political Scientists are not in a position to present a 'holistic' profile of what one may call 'Indian politics' as distinguished from the models of politics obtaining in other sovereign-states in the community of nations.

True, Political Scientists, Indians as well as non-Indians, have over, the last fifty years or more, built up an imposing library of studies relating to (A) legal-formal aspects of India's constitutional development and (b) historical-descriptive accounts of the struggle for freedom carried out by a dedicated band of political actors, but both the types of studies are not only confined to a narrow time-band (roughly speaking, they span, at the most, 200 years) but are characterized by non-empirical theoretical approach which places

a very high premium on analysis of legal-formal documents rather than first-hand investigations into the on-going political processes of change and continuity in a country marked by an extraordinary amount of continuity as well as changes in all the dimensions of its life over the period of at least two to three thousand years.¹⁰ In an ancient country like India where the masses (as well as their political masters) are still largely tradition-directed, a detailed study of the pattern of "Constitutional Development" over the last 100 or 150 years can only amount to mere scratching of the surface even in so far as the study of the "constitutions" of India is concerned, let alone the much larger question relating to the structure of political processes operating in the Indian society within the constitutional framework provided by a series of legal-formal documents.

Detailed studies of the patterns of persistence and change in the Indian polity over a period of 2-3 thousand years are, however, a very distant target for Political Scientists who are, as yet, not equipped even to analyze the empirical processes of Indian politics over relatively shorter time-horizons and smaller territorial areas. The non-empirical focus of political analysis adopted by Political Scientists with respect to India can be easily discerned by a critical scrutiny of the impressive amount of the literature normally classified under the title "Indian Government and Politics". In fact, the nomenclature "Indian Government and Politics" is a fairly recent coinage and, even now, a more commonly used title for these studies is either "Constitutional Development of India" or "Indian Constitutional Law" thus clearly betraying the historic-legal origins and characteristics of this mode of study. The advent of British political supremacy in India initiated a series of far-reaching "change-chains" in the political life of India and one of the most important changes wrought by the British political paramountcy in India was, no doubt, the introduction of the practice of embodiment of codes of political conduct into legal-formal documents which, ultimately, led to the adoption of a written document styled as the "Constitution of India." Under British paramountcy, therefore, India became one of the most important countries of the world to enter the main-stream of "constitutionalism" which has been a perennial theme of academic study in Political Science, but neither the inculcation of "Constitutionalism" by a given body of people nor the adoption of a written document styled as a Constitution (the two conditions mentioned here do not, as the case of U.K. clearly demonstrates, necessarily go together) should deter and/or debar Political Scientists from looking at empirical behaviour and values of the people theoretically presumed to be acting in accordance with an unwritten (but, nevertheless, invariant) constitutional philosophy or a written constitutional document imposing a set of legal-formal norms.

However, while Social Scientists belonging to disciplines like Economics, Sociology and Psychology have been making use of a number of scientific tools and techniques of research methodology for collection and interpretation of data, the Political Scientists, resistance to the adoption of empirical modes of research has been reinforced by the same sources from where the sophisticated theories and tools of modern political analysis are spreading all over the world. To some extent, the Political Scientists' reluctance to adopt Survey Research and other tools of the Scientific Method as a technique for analyzing empirical Indian political realities has been overcome by the increasing prestige of this mode of research in India as well as abroad and the various schemes of financial assistance (for project-research) launched by grant-giving agencies like the ICSSR (Indian Council of Social Science Research), R.P.C., (Research Programme Committee) and the UGC (University Grants Commission) have received a measure of positive response from the community of Political Science scholars India. Taking into account the numerical

magnitude and geographical dispersion of the Political Scientists in India, the "off-take" of such research grants has been, however, very low (specially as compared to the clamour and competition for project-research grants in other Social Science disciplines) and book-length publications containing, in Dahl's words, "analyses of survey evidence" can still be counted on the tips of one's fingers. The most sustained and widespread adoption of the survey research methodology in the community of Political Science scholars, thus, has taken place mainly in the field of elections studies including studies of voting behaviour. At this stage we do not intend to undertake a full-fledged evaluation of the election studies pertaining to India.¹¹ but we would like to emphasize that the very fact that these studies involve a great deal of reliance upon the survey research methodology has made them an object of doubt and distrust and this attitude of scepticism has, in turn, retarded the process of socialization of the Indian community of Political Scientists into the norms of systematic empirical research.

XI

Methodological electism is, therefore, the characteristic key-note of all the major "configurative" studies of Indian politics or "Indian Government and Politics" as a whole beginning with Professor Norman D. Palmer's Indian Political System (1961)¹² which was virtually the first systematic effort to study the panorama of politics in post-1947 India. This and other major works in this genre are already quite well known mainly because very few attempts have been made to subject the entirety of the Indian political phenomenon to academic scrutiny (in contrast, say, to the continuing proliferation of books (including text books focussed on American politics or Government and Politics in U.S.A.) although article and book-length publications on specific dimensions or aspects of Indian politics and/or government and politics in India have already become quite impressive and one can be confident of steady additions to existing stock.¹³ However, as already pointed out, "scholastics" studies of Indian politics do as not, as yet, exceed the extremely small number of half a dozen. The only titles which once can legitimately add to Professor Palmer's pioneering work are: (i) The Government and Politics in India (1964) by W.H. Morris-Jones¹⁴. (ii) Politics in India (1970) by Rajani Kothari¹⁵ and India: Government and Politics in A Developing Nation (1970) by Robert L. Hardgrave¹⁶ although one may, mainly in order to enlarge this rather modest list, include such works as Parliamentary Democracy in India (1961) by K.V. Rao.¹⁷ India's Democracy (1972) by A. H. Hanson and Janet Douglas¹⁸ and, with still lesser justification (because these are edited volumes containing essays, articles and research papers of uneven quality and varying orientations), volumes like those edited by K.R. Bombwall and L. P. Choudhary (ed.) Aspects of Democratic Government and Politics in India (1968)¹⁹, (b) S. P. Aiyar and R. Srinivasan (eds.) Studies in Indian Democracy (1970)²⁰ and c) C. N. Bhalerao(ed.) Politics, Administration and Development in India (1972)²¹. We would like to reiterate that we are not saying that literature about Government and Politics in India is meager because we are fully aware of the phenomenal growth of studies focused on specific dimensions of Indian Government and Politics (say, federalism or constitutionalism or Indian presidency or Indian political parties or Indian civil service or voting behaviour in India), but we would, nevertheless, like to stress that there is a great dearth of 'configurative' studies focussed on the Indian Politics or Government any Politics in India "as a whole" so that one is not in a position to make any reliable statements about the patterns, parameters or prospects of Indian politics.²² The extreme paucity of configurative studies of all India politics is, in fact, a severe handicap for students of State Politics in India who want to launch upon configurative studies of the infra-sovereign politico-territorial entities like states.

academic significance of such studies and continued to conceptualize Political Science as a discipline devoted either to historical narratives of political thought or legal formal descriptions of constitutional or governmental institutions. In this scheme of conceptualization of Political Science as a historical or institutional commentary there was hardly any place for systematic and scientific study of Indian politics qua politics.

Political Science stalwarts, nurtured in the historical-institutional traditions of Political Science teaching, were, of course, quite prepared to admit the academic viability of courses focused on the Indian constitutional law at the Bachelor's as well as Masters' levels and, with the advent of Independence in 1947, quite enthusiastically agreed to extend such courses down to High Schools levels (and even below) in the form of "Civics" courses, but the Political Science teachers in India had a built-in suspicion regarding the legitimacy of an academic course focussed exclusively on "Indian Government and Politics" they were prepared to accept such courses only if they were devoted to a recital of the constitutional and governmental machinery in India with the "Politics" part of the syllabus being treated almost as an appendage to the "Government" parts. Almost at one stroke, Rajni Kothari's Politics in India dispelled all the prevailing academic doubts about the "teach-ability" of full-fledged courses on 'Indians politics' and although its empirical generalizations have been refined (and even replaced by more sophisticated ones) this is likely to remain as the single most important contribution of this book in the field of Political Science, at any rate in the field of Political Science in India.

XIII

However, we must regretfully admit that even such a brilliant and trend-setting study as Politics in India offers very little help to students of 'State Politics' in India expect sensitizing them to the overwhelming importance of politics as a master-force in contemporary India because Kothari's analysis is focussed at India-level and is designed to elaborate the "unique" features of the developmental strategy in operation in India as a whole.

Center- Centered Analysis

Thus, in terms of Kothari's own terminology, his analysis is centre-centered (why the people of India failed to build a 'Centre' in the pre-modern time? What are the political incentives and impediments in the development of a viable 'Centre' in modern India? What is the extent of the political penetration and governmentalization of previously a-political 'periphery' and to what extent is the 'periphery' resisting the political encapsulation by the newly-create 'Centre' ? etc.) and the dynamics of "centre -periphery relations" has not been fully elaborated at least from the perspective of the "periphery" which is visualized as being, in the last analysis, incapable of resisting the twin-processes of politicization and governmentalization.

Kothari's focus is, therefore, on the political forces connected with the development of a viable centralized authority in a democratic polity like India and his India-level analysis throws very little light on the dynamics or the structure of politics inside specific politico-territorial units which constitute India. To be sure, Kothari's book contains an insightful discussion of the concept and structure of Panchayati Raj (and other district level) institutions (on pp.126-128) and references to 'State Politics' recur throughout the whole book (of which the most significant (it is explicitly entitled "patterns of state politics" (occurs on pp.122-126), but , all said and done, Kothari's book does not provide any methodological indicators for carrying out studies focussed not on "India" but on one (or

more) of its constituent politico-territorial units. Undoubtedly, Rajni Kothari's seminal analysis of Indian politics in casts its shadow on any essay in political analysis whether it be focussed on a Panchayat or a Union Territory or a State, but, despite the conceptual brilliance and empirical comprehensiveness achieved by Kothari in analyzing "Indians politics", the students of 'State Politics' in India would still have to wait for the standard book in their field.

XIV

In the long intellectual history of Political Science studies in India since the twenties, studies of 'State Politics' in Indian context, thus, constitute only small dots on a large canvas; what is even more important is that the 'dots' are neither systematically related to each other nor are each of these studies wholistic i.e. they make no attempt the study the pattern of "State Politics" as a whole even in the limited context of one 'State' as a whole and the fact remains that no full-length study exclusively focussed upon 'State Politics' is available even till today, Dr. Babulal Phadia's two volume study would certainly make "State Politics" more acceptable as a Masters-level course and, thus, help in sustaining the momentum of the break-through achieved by Prof. Iqbal Narain and Prof. Myron Weiner,²⁷, but its analytical rigour falls short of a standard texts book.

Trends in Regional Studies

By way of contrast, one may note that the tradition of writing monographs devoted to a full-length analysis of the history, geography and economy of infra-sovereign politico-territorial entities like the 'provinces and states' is quite well established in the Indian Social Science circles. Thus, not only are full-length historical and geographical chronicles of individual Provinces and States (even Union Territories) available in plenty, but a number of academic-standards monographs have been published giving details of the pattern of economic life in smaller sub-units of the Republic of India. We are not in a position to judge the intellectual rigour and the extent of reality-approximation achieved by these volumes, but there is no doubt about the glaring fact that anyone (be he a layman, an academic scholar, an indigenous policy maker or (even) a foreign decision-maker) who wants to acquire some degree of familiarity with the history, geography and economy of a given region of India can lay his made upon a number of books and other book-length publications (eg Government Reports and other non-official and semi-official documents) dealing specifically with the history or geography or economics of that particular region; but anybody who sets out on a similar quest with respect to the political process, political institutions and political behaviour in a given region of India (be the 'region be a pre-1947 province or post-1947 State or a pre-1947 Princely State or any of the numerous infra-sovereign entities of the local self-government variety) would not be able to find any full-length exposition of the subject-matter even if the criteria for satisfaction are pegged down at the level of ounalistic descriptions which means that one is not at looking for well-researched monographs published by academic scholars.

At this stage, we are not interested in pursuing the overall problem of the differential degrees to which "regionalizitaon" of different academic disciplines can proceed, but even a cursory glance at the state-wise bibliographies produced by an enterprising publishing house²⁸ clearly show that scholars belonging to disciplines like History, Geography and Economics feel no difficulty (or diffidence) in undertaking either single-unit studies pertaining to one or the other state (or Province or Princely State or Union Territory) of the Indian Union or multi-unit studies comparing (or encompassing) several states (or Union Territories or varying mixtures of states and Unions Territories). In other words,

mono-disciplinary as well as multi-disciplinary studies focussed, essentially, on the various sub-units of the Indian Union are available in plenty as far as most Social Sciences are concerned the 'political analysis' of such regions and sub-regions being conspicuously absent or under-developed.²⁹ The coverage of such works is, of course, uneven and the research methodology used by scholars varies from the speculative accounts of the Historians to the systematic analyses of the Economists, but the fact, nevertheless, remains that an impressive (both in terms of quantity as well as quality) corpus of knowledge has been (and is being) collected as far as the historical, geographical and economic aspects of the principal infra-sovereign politico-territorial entities of the Indian Union viz. post-1974 States and Union Territories are concerned. The very wealth of data thus accumulated, however, impels one to wonder: Why the students of the phenomenon of politics in India did not produce similar studies focussed on the State-level?

Absence of Regional Analyses of Politics

The major reason for the glaring (as compared to, say, Economics) absence of 'regional' studies in the field of Political Science lies, of course, in the overall lack of progress of the discipline of Political Science in terms of what, for lack of any other suitable term, we may call as "Indigenization" which one may reasonably presume to be a necessary precursor and prerequisite for "regionalization". In terms of time-span, both Economics and Political Science entered the Indians academic circuit closely upon the heels of one another (and the same holds good for Political Science and History and other Social Science disciplines some of which actually followed Political Science rather late) but, while Economists took up the challenge of building up a sub-branch of their discipline known as Indian Economics (some non-academics had actually set the ball rolling much earlier but we are using this term to refer to systematic applications of the theories and research tools of the discipline of Economics to the economic realities prevailing in India), a comparable development in the field of Political Science is not yet even in the offing.³⁰ To be sure, a number of Political Science scholars have begun to specialize in the sub-field which we shall designate as 'Indian Government and Politics', but even in this restricted (note we are talking of "Indian Government and Politics" and not "Indian politics") sense the crop of studies produced by Political scientists is far from impressive, both in terms of substance as well as method.

XIV

The meagerness as well as the methodological mistiness of studies pertaining to infra-sovereign politico-territorial entities in India is, therefore, neither surprising nor unaccountable in the context of the philosophical, theoretical and methodological characteristics of the discipline of Political Science as it has evolved over several centuries and as it has developed in India during the last half century or so. The literature on State Politics or Government and Politics in India would have, in fact, remained scarce and rigidly confined to the narrow groove of documentary constitutional analysis but for the intellectual (and, in some cases financial) boost provided by non-Indian Political Scientists as well as non-Indian non-Political Scientists. As mentioned earlier also, studies in the discipline of Political Science in India have been cross-fertilized by scholars belonging to other Social Sciences, with cognate disciplines of Sociology and Social Anthropology being in the fore-front of the band of Social Scientists who have enriched the studies of Indian politics³³ although none of them has, as yet, conducted a full-fledged study focussed on the macro-politics of the country or one of its politico-territorial sub units as a whole.³⁴

No student of Political Science in India can today afford to ignore the out-put of these Social Science scholars, whether Indian or non-Indian, whether he is interested in imparting class-room lectures or in conducting systematic field-work. A mere glance at the teaching syllabi of any University-level Political Science Department or at the foot notes or any book-length publication dealing with the analysis of Indian political realities would, at once, reveal the presence of the names of large number of scholars who, formally speaking, cannot be designated as Political Scientists in terms of their training or institutional employment. This by itself should not create any problems because, after all, an intellectual discipline can develop only if it receives sustained cross-fertilization from other cognate disciplines, but in actual practice, it leads to a serious consequence. The phenomenon of politics (here we are concerned only with its manifestations in the Indian context) is subject to analysis (including field investigation as well as theory as building) from so many different vantage points and with so many varying approaches that no one single coherent approach can emerge and command the unanimous approbation of political analysts.

Dilmmas of Academic Diversity

An empirical Political Science researcher in interested making a systematic study of Indian politics (or politics in specific sub-units of India) is, therefore, confronted with a medley of unorchestrated methods and techniques each of which has an ardent advocate who is, typically, arguing from the intellectual premises of his own discipline. The multiplicity of methodologies is, of course, not a unsurpassable barrier and a Political Science researcher need not wait for the syntheisization of a discipline-specific systematic methodology before embarking upon empirical research, but, nevertheless, the fact that the theory as well as methodology of studies in such fields as Government and Politics in India or States Politics in India are developing under the joint auspices of a number of academic disciplines does place an additional burden on the shoulders of the Political Scientists who have to become well-versed with the existing (and evolving) theories, techniques and methodological approaches in several other disciplinary the problems of development of inter-disciplinary or multi-disciplines but, research have not been fully understood (let alone being solved) and even the most advanced Social Science scholars in the developed countries have not yet been able to hammer out techniques and methods for achieving a balance between the discipline-specific and inter-disciplinary requirements of academic research, but, in actual practice, an academic scholar interested in empirical analysis of "Indians politics" has no choice but to master (or, at least, familiarize) the intellectual premises and methodological techniques used by a variety of disciplines unless he is satisfied with the existing amalgam known as Political Science which has been developed over a number of centuries by the ill-assorted inter-mixture of theories and analytical techniques borrowed from the intellectual disciplines of Philosophy, Law and History.

The student of Government and Politics in India or State Politics in India, thus, faces an awkward choice. He can go on researching in terms of the existing paradigms of Political Science which have a hallowed historical tradition to support them or he can adopt the entirely different analytical techniques developed by the relatively younger Social Sciences like Economics, Sociology, Social Anthropology and Psychology. So far Political Scientists in India (or, for that matter, anywhere else in the world) have not shown any inclination to make a choice in these terms. Among the Political Scientists who are aware of the existence of this problematic of choice (as we have repeatedly emphasized, the overwhelming majority of Political Scientists, in India at any rate, is

Leaving out the aforementioned edited volumes, we are left with a small list of six books out of which at-least two are admittedly addressed to "Undergraduate or post-graduate students" (viz. Palmer's Indian Political Systems and Hardgrave's India: Government and Politics in a Developing Nation) while the exposition in one (viz. India's Democracy by H. H. Hanson and Janet Douglas) is designed to be intelligible to a person with an average intelligence who is required to fly to India at a short notice; in other words, all these three books are text-books meant for class-room teaching to students and that too to non-Indians students of foreign Universities who require only a rudimentary knowledge of Indian politics or Government and Politics in India for purposes of passing an examination leading to a Bachelor's or Master's degree. Another book in our small list viz., The Government and Politics of India by W.H. Morris-Jones would have been included in foregoing category (viz. text-books) but for the fact that it made a seminal attempt to construct a "model" of Indian party system (although its author always presented it as a model of the Indian political system on the basis of the (untested) assumption that the Indian political system was a party system-dominated political system) which the distinguished author had been developing even earlier (and which he continued to elaborate after the publication of this text-book-type book) in various leading academic journals in Indian and abroad.²³ Having served on the Viceregal staff of Lord Mountbatten, W.H. Morris-Jones had acquired a great deal of sensitivity to the nuances, subtleties and complexities of Indian politics (his 1963 essay on "Indian Political Idioms" is justly famous for capturing the essential flavor of the "language" in which Indians comprehend the game of politics and by undertaking periodic trips to India he has been keeping in touch with the latest turns and twists (and turn-about) in Indian politics, but one looks in vain for a consistent methodology in his already-voluminous writings on Government and Politics in India; at any rate, he provides no clues (let alone a blue-print) for a student of Political Science who wants to undertake a "configurative" study of State Politics in one of the several states because the mode of analysis adopted by Morris-Jones for elucidating the patterns and trends of all-India politics is hardly replicable for one out of the several units of the Union of India where the context, culture as well as the structures of politics are like to be quite different (and even divergent) from the all-India patterns²⁴.

XII

Although a glimpse of its lustre had been made available in a series of articles published in the Economic Weekly in the early sixties under the title "Form and Substance in Indian Politics"²⁵ a star of first magnitude swam into the Political Scientists' ken with the appearance of Rajni Kothari's Politics in India simultaneously in USA and in India in 1970. Rajani Kothari and his colleagues working in the Center for the Study of Developing Societies²⁶ had already made a name for themselves as empirical analysts of the Indian politics, but this book provided, so to say, a conceptual capstone to their efforts and created an immediate impact in the academic circles and centres of Political Science teaching and research in India and abroad. The trans-India impact of Rajni Kothari's volume was, of course, immense and wide-ranging, but perhaps the author himself could not have visualized the tremendous impact this single book would make on the Political Science teachers in India who had hitherto shown scant regard for political analysts who attempted to investigate Indian politics in terms of empirical generalizations and propositions about the patterns and trends of politics in modern India. However, most Political Science teachers (and, except for a handful of full-time researchers, there is, till today, no other variety of Political Scientists in India) took a rather dim view of the

simply unaware of the necessity of making any such choice or the comparative merits and demerits of the alternatives involved in such a choice –making) between the traditional methodology of Political Science and the emergent methodology approaches of the younger Social Sciences, the most typical reaction being to adopt an electric approach which rejects neither of the two approaches but seeks to blend them together for their own purposes.

XVI

Electism they name is India, yet students of Political Science in India would do well to approach the problematic of the approaches to the study of "State Politics" from the angle of all regnant an emergent approaches in various Social Science disciplines even though they succeed thereby only in reaching empirical cross-roads and old road-blocks which obscure their vision in the guise of normative thought-systems of those who made their journeys of discoveries under circumstance al-together different than those prevailing in modern democratic India where politics in the form of "State Politics" is a legitimate concern of cognitive inquiry not just an inventory of normative prescriptions.

Footnotes and References

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 - ii) Iqbal Narain and P.C. Mathur "India" in Takeo Vchidas (ed.) Political Science ins Asia and the Pacifics (Bangkok: Unesco Regional office for Education in Asia and the Pacifics, 1984); 225-272.
2. For a preliminary discussion of the intellectual paradoxes generated by such usages see, P. C. Mathur "Can Borrowers be Choosers?: Success and Failure of "European' Nationalism in Twentieth Century Asia After 1945". Paper presented at the U.L.P. Seminar on "Problems of Security and Cooperation in Asia", Department of Political Science University of Rajasthan, Jaipur, March 22-23, 1987, pp.17 mimeo.
3. For a discussion of Political paradoxes which can potentially be generated by these provisions of the Constitutions of India see, P.C. Mathur, "Unions-State Relations: Some Political Possibilities", Political Science Review, Vol. 1, No. 1, February, 1, 1961: 115-124.
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5. Gabriel A. Almond and G. Bingham Powel, Comparative Politics: A Developmental Approach (Boston: Little Bbrow and Company: 1966).
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7. C.f. Myrons Weiner (d.) State Politics in India (Princeton: Princetons University Press, 1968).
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10. P. C. Mathur, "Isocratic Centralizaiton, Regional Ruralizations and Technological Modernization in Republican India: Dynamics of Macro-Social Revolutions: A Prefatory Analysis", Paper presented to the Seminar on "Domestic Conflicts in South Asians States", Centre for South, South East and Central Asians Studies. Schools of International Studies, Jawaharlal Nehru University, New Delhi, October 18-20, 1984, pp27, mimeo.
11. Iqbal Narain (et al) Elections Studies in India (New Delhi, Allied Publishers, 1978).
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13. M.S. Rana, Indian Government and Politics: A Bibliographical Study, (1975-1980) Volume One (New Delhi: Wiley Eastern limited, 1981) and K.G. Tyagi, Foreign Researches on Indian Politics System and Processes (A Bibliography) Delhi: Pinka Agencies, 1984).
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17. K. V. Rao, Parliamentary Democracy in India (Calcutta: World Press, 1961).
18. A. H. Hanson and Janet Douglas, India's Democracy, New Delhi, Vikas, 1977.

- 19 K. R. Bombwall and L. P. Chadhaury (eds) Aspects of Democratic Government and Politics in India (Delhi, Atma Ram, 1968).
20. S. P. Aiyar and R. Srinivasan (eds.) Studies in Indian Democracy. (Bombay: Allied Publishers, 1970).
21. C. N. Bhalerao (ed.) Politics, "Administration and Development in India, (Bombay: Lalvani Publishing House, 1972).
22. Kindly note: we are talking of Indian Politics not of politics in India (which is the title of Rajni Kothari's pioneering and insightful book) but, surely, it is one thing to talk about politics in India and quite another to talk about 'Indian Politics'; for efforts to analyze the systemic and systoxic characteristics of Indian politics whose locus in India (i.e. which is sharply distinctive even from the politics obtaining in the South Asian countries in India's immediate neighborhood) see P. C. Mathur, Social Bases of Indian Politics, Jaipur: Aalekh Publishers, 1984). Students of 'politics' in India would also do well to refer to P. C. Mathur (ed) Government and Politics in South Asia Vol.1:Domsestic Science) (Jaipur: Printwell Publishers, 1984).
- 23 For a select list of writings by W. H. Morris-Jones see:
 - (1) "Recent Political Developments in India", Parliamentary Affairs, Vol.II, 1948, pp475-83(I) Vol.12, 1959:pp-7-82.
 - (2) "India's Political Idioms" in C. H. Philip (ed.) Politics and Society in India (London: Allen and Unwin, 1963:133-54.
 - (3) "Parliament and Dominant Party", Parliamentary Affairs, Vol.17, 1964: 295-307.
 - (4) "Stability and Change in Indiana Politics" in Saul Rose (E) Politics in Southern Asia (New York, St. Martins Press, 1163)9-32.
 - (5) "From Monopoly to Competition In India's Politics" Asian Review, Vol.1, 1967:1-12.
 - (6) "How Much Has Changed"? Political Science Review, Vol.7, 1968:602-10.
 - (7) "Whose Emergency, India or Indira's", World Today Vol.18, 1975:451-61.
 - (8) "Creeping but Uneasy Authoritarianism: India 1975-76", Government and Oppositions, Vol.12, 1977:20-41.

Most of these writings are available in WH Morris-Jones, Politics Mainly Indian (Bombay: Orient Longman; 1978).
24. For an attempt to differentiate 'State Politics' from all-India or 'National Politics' see, P.C. Mathur 'State Politics and Nationals Politics' in Social Bases of Indian Politics (Jaipur: Aalekh Publishers 1984):135-191.
25. Rajani Kothari, "From and Substance in Indian Politics", Economic Weekly Vol.13.1961(I) pp679-80,(ii)pp715-21,(iii) pp754-60,(iv) pp.783-90,(v)pp819-26.
- 26 The Centre for the Study of Developing Societies (CSDS) was sponsored by a most unlikely body viz. All India Adult Education Association and was physically located within its premises during the initial years of life before shifting to its Rajpur Road premises. This fact about its institutional origination is, however, not widely known and even details of Rajani Kothari's intellectual proclivities (he was, for instance, an ardent Royist) and occupational career before assuming its Directorship are not well known; right from the days he started gaining prominence as an analysts of "Indian Politics" the University-based fraternity of Political Scientists began to view his academic ascendance with a great deal of latent as well as manifest hostility which did not abate even when he took charge of the Indian Council of Social Science Research as Chairman during the Janta Party rule at the Centre; with Mrs. Gandhi's restoration in the 1980 Lok Sabha and Vidhan Sabha elections it became more convenient for the University dons to ignore him and the C.S.D.S. output; Kothari's own subsequent forays into such exotic issues as Development, Environment, and world order models have rendered him a distant deity as far as University-based Political Scientists are concerned.
27. Babulal Phadia, State Politics in India, 2 Vols. (New Delhi; Radiant Publisher, 1984).
28. The reference here is to the State-wise bibliographies published by messers Sterling and Co. Delhi.
29. While 'State Politics' is set to occupy the centre of the stage in Political Science syllabi, the systematic study of Regionalism as a persistent phenomenon in Indian Politics had yet to attract their attentions in a big way, For an attempt to blend to study of Regionalism in India with State Politics in India' see, P. C. Mathur, "Regionalism ins India: An Eassy in Demensionalization of State Politics in India", in Ramakant et al. (ed.) Regionalism in South Asia (Jaipur: Aalekh Publisher, 1983):1-46. Also refer, Satish Chandra, K. C. Pande and P.C Mathur (eds.) Regionalism and National Integration (Jaipur: Aalekh Publisher, 1974).
30. For a more detailed discussion of the problems, potentials and prospects of the emergence of Indians Political Science (i.e. Political Science of India and for India) see, P. C. Mathur, "Indigenization of Pre-existing Intellectuals Disciplines: An Enquiry into the Problems and Pre-Conditions of the Development of Indian Political Science Review. Vol.18, No.2. April-June, 1979:89-106.

31. Political Sociology has emerged as a legitimate sub-field as far as the discipline of Sociology is concerned but in the case of Political Science it has as yet to acquire the same kind of acceptability; this is true internationally as well as in the specific case of India and the Political Scientists are the losers since Indian society is, clearly, an important determinant of Indian Politics, Rajani Kothari's advocacy of 'primacy of politics notwithstanding. In any case, the student of "State Politics" in India has an excellent chance to make meaningful contributions to the Politics versus Social Structure " debate in the Indian context because at this level discernment of the "Social bases" of Indian Politics" is much more likely than in all-India terms where the westernized models of political modernity are likely to be more dominant.
32. Thus, although no Sociologist or Social Anthropologist has taken up entire one state or a group of states as unit of analysis, this should not prevent Political Science student from undertaking configurative and comparative studies of 'State Politics' in India.

INTRODUCTION :

1. Most of the existing literature on Psephology, broadly seems to fall into two major types. There is, first of all, the voting system per se, which includes arguments over the major advantages of various modes of representation like proportional representation, preferential ballot, plurality, Party list or the list system and so on. Many people seem to assume that the electoral system is the same thing as the total election system (see, for example, D.W. Rae, *The Political Consequences of Electoral Laws*, New Haven: Yale University Press, 1967.)

The second major approach to the study of elections has been to concentrate on the outcome. Close attention is paid to the outcome of the election as a whole, with an effort to explain and even sometime predict election results where advance mathematical techniques make it possible to do so.

From this perspective an election is conceived as an highly dynamic process which operates within a particular political system. Thus the electoral system involves a number of processes and participants, chief among them being the candidates supported by organized political parties and groups, the electorate consisting of eligivle~~w~~ voters, the election machinery and definite electoral procedures as prescribed by the electoral laws. There are thus four different variables. First of all, there are the candidates, whose selection for the electoral competition is both the primary function and responsibility of political parties. In fact, this is the

most crucial and vital part of the total electoral process. After having been adopted, the candidates then begin to take the most active part, for it is primarily their own responsibility to compete with their political opponents, canvass for the voters' support and convince the voters about their suitability as candidates. Though their selection is basically determined by their party leaders, yet a host of considerations, social, cultural, economic and political, obviously enter the process of selection. The candidates own social background, his standing both in the party and in the constituency, his suitability as a candidate, his prospects of success or victory, these and similar other considerations ought and do heavily weigh with the party recruiters and managers. That is how certain individuals are drawn out of the general population as possible candidates.

Then there is the electorate which consists of the actual and potential voters. This electorate affects the electoral process directly as a positive actor which alone is capable of determining and deciding the fate of candidates. Then there are the electoral districts or territorial constituencies which provide the field where individual electoral contests take place. This is where the actual battles take place, where political strategies for voter support fail or succeed, depending of course, on the manner in which electoral campaigns are conducted, and the candidates or parties maintain their rapport with individual voters.

Elections which sustain a democratic political system are

a unique phenomenon, and normally come once every four or five years depending, of course, on the nature of the political system which a country had adopted. In parliamentary democracy they come only after five years (which is the normal life of the legislative assemblies in parliamentary democracies) though in exceptional cases of political crisis and instability they may come even earlier than the fixed period which may vary anywhere from two to six years.

2. STATE ASSEMBLY ELECTIONS OF

JUNE-JULY 1977

Political Institutions and political processes in a free and democratic society are sustained by universal adult franchise and the inviolability of the ballot box. People at large determine their own destiny through the regime of free and fair elections.

Political Scientists, particularly in the west, somehow, believe that democratic institutions can flourish and survive only in literate, urban, industrial and affluent societies, which have developed a large middle class, and whose culture is, broadly speaking largely homogeneous and where social cleavages and tensions either do not exist or else happen to be at a level which is insignificant and inconsequential. They are usually intrigued and puzzled by the remarkable success democracy has had in India, which is, by all standards of economic development, an highly backward country,

continuously and painstakingly engaged in the process of modernization. The sub-polities of the Indian federal system have equally shown a remarkable disposition in strengthening democratic institutions and processes within their own jurisdictions.

For most people in Jammu & Kashmir political participation has a specific meaning and is confined to periodically exercising franchise rights. The exercise of a democratic right to vote has significant implications both for individuals and for the collectivities. Individually the decision to vote in periodic elections usually serves as a ~~an~~ fundamental symbol of democratic system, and collectively as an integral part of the process through which people generally choose their governments and sustain them in office as long as they enjoy the trust and confidence of the electorate. It is through the mechanism of elections that people and their governments are brought closer to each other in relationships of legitimacy, which gives the people the satisfaction of being instrumental in constituting their own governments and eventually have the satisfaction that government is organized for the convenience of the governed. They feel they have a definite role and this feeling fosters a sense of identification with the system at large and its sub-processes, which is so very vital indeed, to the success and health of democratic institutions.

The major areas which the present report seeks to cover are fairly diversified and varied. The first of these broadly deals with the attitudes of the voters towards society and politics in Jammu & Kashmir. The intention to investigate the voter's

political attitude is to enhance our understanding of the background of political choice and an appreciation of how people usually perceive their political and social environments.

A second important area deals with the psychological components of the electoral choice. A study of the voters general perception of his electoral environment will help us determine his voting behaviour. How and to what extent does he identify himself with a particular political party, will largely influence his voting choice. His partisan attachment and identification, the intensity and the stability of his ties with a particular party will, indeed go a long way in understanding voting behaviour in general.

A third major area deals with the influence of political personalities on the electoral choice of voters. What image do people usually have of their political leaders, will considerably influence their voting decisions. Closely linked with party leaders affect, is the role and significance of major and controversial political issues in elections. Since elections usually take place in a context of policy debate, party leaders and candidates usually take sides on important current issues which often ~~at~~ exercise and agitate the minds of the voters.

The fundamental data base for the present empirical investigations derives from personal interviews, conducted with the help of an Interview Schedule. The Interview Schedule contained a fairly wide-range of open-and close-ended questions, beginning

with simple questions dealing with the personal bio-data of the individual voters, including a number of social background and demographic characteristics, and going over to more complex ones dealing with the voter's attitude towards, perception and evaluation of the political system as a whole including psychological attachments to political parties, party and party leader affect and images. The interviews were conducted in two parts, pre-and post-election interviews. The sample for the pre-election interviews was, indedd, very small, but finding that the voters were usually shy of making any comment or exhibit any positive commitment before the event, the attempt was eventually given up, and all efforts were concentrated on the post-election period. A probability sample of two-thousand voters was selected in the four different Assembly Constituencies of Jammu & Kashmir, two each for Jammu and Srinagar. In both the provinces constituencies were so selected as to provide a fairly reliable sample of urban ~~and~~ and rural voting behaviour. In Jammu the two constituencies were Jammu West (Urban) and R.S. Pura (Rural). The constituencies in Jammu city had been re-drawn on the eve of the elections of 1977. The two constituencies in the Kashmir valley were Amirakadal (Urban) and Ganderbal (Rural). These interviews usually averaged one-and-one-half-hours in length. Field work for survey was conducted under the personal supervision of the author by the Research Investigators employed for this purpose, two each for the Jammu province and the

valley. The state-wide sample of eligible voters was a multi-stage, stratified, cluster design weighted by Province i.e. Jammu Province and Kashmir Province.

3.

THE HISTORICAL PERSPECTIVE

Jammu & Kashmir which was one of the princely States of India had its first encounter with electoral experiment way back in 1934. The early thirties virtually mark a watershed in the political history of Jammu & Kashmir. The events which followed the political disturbances of 1931, eventually consummated in the acceptance by the Government of the popular demand for a representative assembly. In pursuance to the recommendations of the Reforms Commission headed by B.J. Glancy, a legislative Assembly (known as the Praja Sabha) was established in 1934. This was the first triumph of an organized political party-the Muslim Conference (initially founded in 1932) which had, among other things, articulated the demand for such a representative institution. Thus both the parties and the election had their origin in a climate of agitation and repression.

Elections on the basis of an extremely restricted franchise were first held in 1934. Only a small electorate consisting of 1,30,944 persons was enfranchised, which came to less than 4 per cent of the total population of the State, which later rose to 6.7 per cent in the subsequent elections of 1938. The last election to the

Praja Sabha was held in 1946, when most of the popular leaders of the National Conference Party were still in jail, and electioneering was directed by National Conference Party's second string Leadership from Lahore. This election was almost a mockery, particularly after the decision of the National Conference to withdraw from the contest in protest. Thus our first experiments with the electoral process in the state was non-too-happy.

ELECTIONS IN POST INDEPENDENCE KASHMIR : By the early fifties the National Conference Party had become a pioneer political organization in the State, particularly after the secularization of Muslim politics in 1938 (when the Muslim Conference- a purely communal organization was converted into the National Conference representing almost all communities). A further shot in the arm came in the form of the adoption of a more radical democratic economic programme contained in the 'New Kashmir' - the political Manifesto of the National Conference Party, which the party framed in 1944, almost unambiguously betraying left-wing influences because of the association of men like Harkrishan Singh Surjeet (Present CPM Member of the Rajya Sabha) and Mr. B.P.L. Bedi and Mrs. Freda Bedi, eminent Communist leaders. As a result of its secularization and the appeal of its new economic programme the Party became very popular not only in the valley, but even outside the valley though some obscurantist muslim elements like the Muslim Conference still

continued to post some challenge to the main Party.

The circumstances which appeared in the wake of the independence and partition of the country catapulted a unique scenario in Kashmir. The State of Jammu & Kashmir was conceded a special place in the Indian federal set-up under Art. 370 of the Constitution of India. Under this Constitutional provision the State had been authorised to frame a separate constitution, of course, within the larger framework of the Indian Constitution. This naturally entailed the establishment of a separate Constituent Assembly, which would frame a separate Constitution for Jammu and Kashmir.

ELECTIONS TO THE STATE CONSTITUENT ASSEMBLY: 1951

Elections to the State Constituent Assembly were held in 1951. Only two political parties entered the electoral contest. The National Conference party was politically more well-organized, with a charismatic leader in the person of Sheikh Mohd. Abdulla, and a definite economic programme and a positive secular orientation. The party had largely succeeded in establishing its credibility, particularly after its successful struggle against feudalism and dynasticism. It had already enlarged its base and created a strong structure of political support for itself. Its only rival the Praja Parishad Party had been inhibited and adversely encumbered by factors like regionalism, communalism and narrow parochialism. The

party had been formed only in Nov. 1947 and was barely four-year old when the elections of 1951 came and this is in fact, too short a period for a political party to establish its credentials among the people and create a viable structure of support which would enable it to challenge its main political rival - the National Conference. T

The elections for the State Constituent Assembly were fixed for 1951. The National Conference and the Praja Parishad entered the electoral fray. The National Conference fielded its candidates for all the seventy-five seats of the Constituent Assembly, where-as the nascent Praja Parishad filed nomination papers for only twenty nine out of thirty two constituencies in the Jammu Province. This was for the first time in the history of Jammu & Kashmir that the entire people could exercise their franchise rights on the basis of universal adult franchise for democratic elections to be held for the first time without any serious constraints as in the past. But eventually no elections could take place because of the decision of the Jammu-based Praja Parishad to boycott them. This facilitated the unopposed return of nearly all the candidates sponsored by the National Conference Party. Elections to the Constituent Assembly were held under the auspices of the State Election and Franchise Commissioner, since the jurisdiction of the Election Commission

of India was not acceptable to the Government of Jammu & Kashmir. Electoral districts (Constituencies) were created in such a manner that one member would represent at least 40,000 people. These territorial constituencies were single-member constituencies. Three seats in the Constituent Assembly were reserved for the Schedule Caste candidates. In these elections the National Conference Party under the leadership of Sheikh Mohd. Abdulla practically swept the polls, riding on the crest of its popularity. It scraped through to a total victory by wresting all the seats through unopposed returns in the seventy-five-member Constituent Assembly. Seventy-three of its candidates had been returned unopposed (97 per cent) and the remaining two also won in a nominal contest in the two constituencies of Kahna Chak (Reserved) and Akhnoor in Jammu Province (see Z.M. Qureshi. Elections & State Politics in India - 1979. p.47).

TABLE - I ELECTIONS TO THE STATE CONSTITUENT ASSEMBLY

<u>N O M I N A T I O N S</u>					
<u>Party</u>	<u>Filed</u>	<u>Rejected</u>	<u>Withdrawn</u>	<u>Contested</u>	<u>Seats Won</u>
National Conference	75	-	-	75	75
Praja Parishad	29	16	13	-	-
Harijan Mandal	02	-	-	02	-
Misc.	04	-	04	-	-

*Source: Z.N. Qureshi : Elections and State Politics in India 1979. p. 47.

This sort of electoral contest practically rendered a potential 16-lakh strong electorate completely ineffectual. At the time of scrutiny the nomination papers of sixteen candidates belonging to the Praja Parishad Party were outrightly rejected on perhaps minor and flimsy technical grounds, like incorrect enteries etc. As a result the Praja Parishad eventually decided to withdraw its remaining thirteen candidates from the electoral contest in protest. It was perhaps a legitimate response of the Parishad. Incidentally, not a single nomination paper of any candidate of the ruling party was rejected. This adds to the suspicion that the elections were largely manipulated. Thus the very first democratic election to the State Constituent Assembly set a definite pattern for the future elections in the State and also broadly laid the foundations for the future style of politics. It was certainly not an healthy portent for the working of a democratic system. Such was perhaps the nature of our first encounter with democracy in the years immediately following the country's independence. It was, however, unfair on the part of the State Election Commissioner to have rejected the nomination papers of most of the candidates belonging to the Praja Parishad Party. Sheikh Mohd Abdulla sharply reacted to the charge of having manipulated the elections and said that he was, in no way connected with the election process, which was being wholly looked after by

his second-in-command Bakshi Ghulam Mohd. The Sheikh said that he was involved with higher policy matters like the 'Kashmir Question at the U.N.', the question of State's accession to the union of India etc. (Author's Personal Interview with Sheikh Mohd. Abdulla). The Praja Parishad led by Pt. Premnath Dogra, strongly denounced the State Government and accused it for tempering with the elections. "The circumstances created by the Kashmir Government have compelled us to decide finally not to contest the elections to the Constituent Assembly under protest so long as our grievances are not redressed (The Times of India October 10, 1951). There is no doubt, that in a fair elections the Parishad candidates led by their veteran leader Pt. Premnath Dogra would have won anywhere between five and ten seats from the Jammu region and this would not have, in any way, affected the political fortunes of the ruling National Conference Party, Rather it would have created a healthy climate by providing the Praja Parishad a legitimate forum inside the portals of the State Assembly, where it could have voiced its grievances and exercised its right to dissent in a more legitimate and constitutional manner. After it was deprived of such a forum, the party had been left with no alternative, but to take politics to the streets which it did perhaps quite effectively. Hence the Jammu Agitation of 1953 which eventually consummated in the fall of the Sheikh Government. At the same time a fair election would have at least strengthened our faith and belief in democratic processes and institutions and would

have gained wide-spread acceptance as a legitimate instrument of democracy. Had that been allowed to happen one could hear at least some voices of dissent within the portals of the Assembly, without which the House proceedings merely become a tame affair, almost wholly bereft of all thrill and the healthy exchange of arguments which usually go with parliamentary debates. But the very *raison d'etre* of such democratic practices had been completely destroyed.

Nearly the same pattern was distinctly maintained by the ruling party with fiendish efficiency also in the elections of 1957. The National Conference Party, after the departure of the group led by Mirza Mohd Afzal Beg, and owing allegiance to Sheikh Mohd Abdulla, now entered the electoral contest under the leadership of Bakshi Ghulam Mohd., who had competently though shrewdly gained a complete grip over the political situation in the State. The newly-formed Plebiscite Front owing its allegiance to Sheikh Mohd Abdulla, had decided to boycott all elections in the State, since the Front stood for a general referendum as a legitimate method for determining the political destiny of Jammu and Kashmir. Though there were several other parties and groups, but none of them was capable of acting as a potential rival to the ruling National Conference Party and pose a challenge at the hustings. The National Conference Party ~~and~~ won 68 seats including forty-three unopposed returns, that means there was practically no voting in a large majority of constituencies, and the observer

could have his own conclusion. Out of these forty-three seats ten were secured by getting the nomination papers of the candidates belonging to the opposition, rejected on very flimsy grounds. (Three candidates were declared to be under-age, the nomination papers of another six were found to be incorrect, and another candidate was declared ineligible on grounds of being a government contractor (Janta April 17, 1957 : See also Keesing's Contemporary Archives. 1957) Commenting on the results of the general elections of 1957 the Manchester Guardian wrote "If it was hoped that elections in Kashmir might give the government there a greater appearance of legality (and legitimacy) and the hope is fading. It does not look as if elections are to be free..... If only 8 of 43 seats from the Kashmir vale are being contested, the on-looker can draw his own conclusions". (The Manchester Guardian March 22, 1957) The National Conference polled 54.58 per cent votes. This time the Jammu based Praja Parishad was able to capture five seats out the twenty-one it had contested from the Jammu province. However, Pt. Prem Nath Dogra, the President of the Praja Parishad, complained that the elections were not fair and he again accused the State Government for "unfairness, bungling and mismanagement in the general elections in the State". (The Tribune (Ambala) April 2, 1957). For the remaining thirty-two seats election was held in three phases. In the first phase (held on March 25) 20 constituencies went to the polls,

where the fate of sixty-one candidates was involved. As many as five-lakh and seventy-one thousand voters exercised their franchise in as many as 419 polling stations manned by about two-thousand officers and four-thousand policemen. (The Hindu. March 26, 1957). Polling in another eight constituencies was held on March 30, 1957, and it had to be deferred in the Ladakh and the Doda Districts owing to bad weather. One seat each in the Valley and the Jammu Province went to an independent and a Harijan respectively. A unique feature, apart from large-scale unopposed election returns, was the appearance of a national level political party in the election fray. The Praja Socialist Party which had two members (who had defected from the National Conference) in the previous Assembly and had temporarily succeeded in organising a fragile opposition, now made a concerted effort to enter the State Assembly. But the nomination papers of eight candidates belonging to the Praja Socialist Party had been outrightly rejected on minor technical grounds, a usual technique which the ruling party had frequently resorted to in order to either liquidate or wholly demoralize the opposition. However, three of the party's candidates, who eventually succeeded in contesting, very narrowly lost the election, and in one case by a narrow margin of 28 votes only (Khan Sahib Constituency in the Kashmir Valley).

Table II

STATE ASSEMBLY ELECTIONS OF 1957*

PARTY	S E A T S					V O T E S	
	Contested		W o n			Total Polled	Percentage of Votes Polled
	JAMMU	KASHMIR	JAMMU	KASHMIR	TOTAL		
National Conference	30	45	24	44	68	3,07,215	56.52%
Praja Parishad	21	-	5	-	5	1,41,824	26.09%
Harijan Mandal	6	-	1	-	-	31,993	03.82%
Praja Socialist Party	5	3	5	-	-	12,866	2.36%
Independents	15	6	-	1	-	48,629	8.91%

*(Source: Compiled from the Election Report of State Election Commissioner 1957).

NOTE :

The National Conference tally of 44 seats from the Valley includes 37 unopposed returns, and similarly 24 seats from Jammu include 6 unopposed returns. Elections took place in 32 constituencies only.

The general election of 1962 were unique in several ways. Almost immediately following the State Assembly Election of 1957, the ruling National Conference Party which had by now developed an highly monolithic structure, split almost right down the middle. the faction consisting of the progressive elements led by Khawaja G.M. Sadiq left the party because of serious differences with Bakshi Ghulam Mohd. The splinter group organized a rival political

party known as the Democratic National Conference. However, long before the general elections of 1962, the National leadership intervened and successfully managed to bring about a rapprochement between the two factions, and the top leadership of the Democratic National Conference formally returned to the parent organization after dissolving the Democratic National Conference, a decision which did not receive any approbation of the party rank and file. They denounced the party leadership for having dissolved the party without their consultation.

Meanwhile, the jurisdiction of the Election Commission of India had been extended to the State. But even this would not make any material difference, because of the determination of the State Government to again manipulate the elections by circumscribing the operation of the Election Commission of India. The mere extension of the jurisdiction of the Central Election Commission would not automatically ensure a free and impartial poll, unless there was a free and democratic culture in which free and fair elections would become possible. The State Government refused to introduce the marking system which was expected to ensure at least some measure of fairness in elections. In several cases even the nomination papers of candidates belonging to the opposition were not entertained by the Returning officers. In some cases even the rival candidates were kidnapped by the State Police to prevent them from filing their nomination papers in time (The Hindustan Times. February 13, 1962).

STATE ASSEMBLY ELECTION OF 1962 *

PARTY	S E A T S				V O T E S:		
	CONTESTED		W O N		TOTAL	TOTAL	PERCENTAGE
						POLLED	OF VOTES
	(JAMMU)	(KASHMIR)	(JAMMU)	(KASHMIR)			
National Conference	30	45	27	43	70	4,86,060	66.96%
Praja Parishad	25	1	3	-	3	1,26,836	14.47%
Democratic National Conference	15	5	-	-	-	31,743	1.89%
Praja Socialist	5	1	-	-	-	13,876	1.92%
Harijan Mandal	10	-	-	-	-	13,743	1.89%
Independents	30	8	-	2	2	-	7.43%

* Source : Report of the Election Commission of India.

ANALYSIS :

Eventually 294 nominations were filed, out of which 57 had been rejected in an highly arbitrary manner. Sixty three candidates were forced to withdraw themselves from the contest because of threats of violence and intimidation. One particular example of this kind of arbitrariness was the rejection of the nomination papers of all the seven candidates of the opposition from the Mehndar Constituency in Poonch. Apart from the outright rejection of nomination papers of several rival candidates, the ruling National Conference freely resorted to large-scale. Ballot boxes were freely tampered with bogus votes were cast and the franchise right was no longer considered as either secret or inviolable. Large scale irregularities were committed even in counting of votes in certain constituencies. In the very few constituencies where election was held, the voting percentage went up in an unprecedented manner,

in Khan Sahib Assembly Constituency ranging from 61.60% to 90.55 percent in Bandipore (both in the Kashmir Valley). As a result of large-scale rigging the ruling National Conference party managed to get 66.96 percent of the valid votes cast while its rival the Praja Parishad secured 17.47% and won barely 3 seats and only two seats went to the independents in the Valley, and none in Jammu. Obviously large-scale rigging was resorted to with the purpose of almost completely eliminating the political opposition in the State. More-or-less all the prominent political leaders of Kashmir like Sheikh Mohd. Abdulla, G.M. Sadiq and Bakshi Ghulam Mohd have frequently accused each other for having interfered with the election conducted during this regimes though each one of them, time and again reiterated their faith in free and fair polls. For example Sheikh Mohd Abdulla on resuming office re-iterated his faith in fair elections and declared, "I personally attach greatest importance to the conduct of free and fair polls, and an absolutely neutral and clear administration that is associated with their conduct". (Legislative Assembly Debates. Feb.2,1977, See also L.A. Debates on Electoral Reforms Bill of 1975. August 6,1975). Commenting on the Elections of 1962 The Hindustan Times in its Editorial said, "in an unusually large number of constituencies 32 out of 43 there will be no work for the Election Commission. Something of the same kind happened in the last general elections. 35 National Conference candidates won without a contest. This would argue for a distaste among Kashmiris for political contention which is unique under democracy... How then Bakshi Ghulam Mohd achieved this

happy state of affairs in Kashmir ? Is that the policies of his government are so universally accepted that we might as well replace in his domain the process of election by the process of acclamation ? ... Meanwhile, public confidence in free and fair nature of elections in Jammu & Kashmir will remain badly shaken unless there is a thorough going investigation into the charges of malpractices." (The Hindustan Times. Editorial. Case for Inquiry. February 12, 1962). The comments on the elections of 1962 by the Radical Humanist were almost equally opprobrious and damaging when it said, "the manner in which elections in the state of Jammu & Kashmir have been conducted does not seem to have enhanced the prestige of the country or strengthened the faith of the people in Indian democracy." (Radical Humanist (Calcutta) March 11, 1962).

The Harmony established by the rapprochement between the two factions led by Bakshi Ghulam Mohd and G.M. Sadiq did not last long, particularly because of the political developments during the first half of the sixties. Bakshi Ghulam Mohd decided to step down from his office as Prime Minister under the Kamraj Plan. After his resignation, it was expected that the change in leadership would be smooth and peaceful and G.M. Sadiq, the senior-most colleague of Bakshi Ghulam Mohd would take over as the next Prime Minister of the State. However, Bakshi Ghulam Mohd eventually succumbed to the pressure of the party organization controlled by his cousin Bakshi Abdul Rashid, and a contest for the Legislature Party's leadership became inevitable. In an open

contest G.M. Sadiq had no chance, hence he decided to stay out of the contest. One of the junior Party leaders Mr. Shamas-ud-Din was eventually elected as the new leader of the National Conference Legislature Party. But he was relatively so junior inexperienced that he could not run the show and handle the explosive situation created by the loss of the holy relic from the Hazaratbal Shrine in Srinagar. Such a curious combination of circumstances conspired against him and he had to eventually step down from Prime Ministership.

He was succeeded by Khawaja G.M. Sadiq as a leader of the Legislature party. Almost immediately after taking over the reins of office, he embarked upon the difficult task of removing some of the persistent and glaring constitutional anomalies which had existed since 1950. Through a constitutional amendment the designations of the Sadar-i-Rayast and the Prime Minister were changed into those of the Governor and Chief Minister respectively, and he thus managed to bring the State in line with the rest of the States in the country. At the same time the National Conference Party was merged with the Indian National Congress. This was done because the two parties essentially shared the same ideology and subscribed to the same ideals of socialism, secularism and democracy. However, the faction led by Bakshi Ghulam Mohd decided to stay back in the National Conference, and hence-forth began to function as the official opposition in the State Legislative Assembly.

The State went to the polls in 1967 under a new leadership and in a set of circumstances wholly different as compared with the previous elections of 1962. As many as four national-level

parties i.e. the Congress, the Jan Sangh (after the formal merger of the Praja Parishad with the Bhartya Jan Sangh), the Communist of India and the Praja Socialist Party, for the first time entered the election fray, challenged by two regional political parties, the National Conference and the Democratic National Conference, to some extent.

STATE ASSEMBLY ELECTIONS OF 1967*

P A R T Y	S E A T S				V O T E S		
	: CONTESTED		: WON		: TOTAL	: POLLED	PERCENT-
							AGE
	: Jammu:Kashmir		: Jammu:Kashmir		:	:	:
Congress	31	44	27	34	61	4,23,922	53.02
National Conference	20	17	1	7	8	1,79,179	21.47
Jan Sangh	26	3	3	--	3	1,31,542	16.45
Democratic National Conference	14	4	--	--	--	26,390	3.15
Plebiscite Front (Rebel)	--	4	--	1	1	13,850	1.65
Praja Socialist Party	1	3	--	--	--	8,349	1.00
C.P.I.	--	3	--	--	--	4,315	0.54
Independents	33	6	--	2	2	60,236	7.22

* Source : Report of the Fourth General Election to the State Assembly. 1967.

Even though a large number of national level parties and regional groups had entered the electoral battle for the first time, the opposition, as in the past, almost miserably failed to register any improvement in its over-all electoral performance. The mere fact that several All-India-level political parties had

entered the electoral contest for the first time, did not, however, alter the situation or make any material change in the manner elections in the State have usually been conducted in the past. As many as 443 nomination papers had been filed for 75 assembly constituencies. Nomination papers of 118 candidates sponsored by the opposition were rejected on minor technical and flimsy grounds, while another 120 candidates were forced to withdraw from the contest for one reason or the other. Of course the number of unopposed returns surely registered a down-ward slump and fell this time to only 22 as against 34 in the previous elections of 1962. As many as 205 candidates were still left in the field for 53 constituencies, twenty six in the valley and twenty seven in the Jammu Province. In most of the constituencies the contest was either triangular or multi-concerned. There were straight contests only in 18 constituencies.

Another significant feature of the elections of 1967 was the near-route of the National Conference Party of Bakshi Ghulam Mohd, which had about 18 seats in the previous Assembly. This time it managed to secure barely 8 seats. The performance of the Jan Sangh party was even more deplorable. It could capture only three seats, practically registering no improvement over its past performance. The Democratic National Conference, the Praja Socialist Party and the Communist Party of India had been completely routed, since they totally failed in making any dent on the support structure of the ruling Congress party. On the whole, one can say that in a fair election, at least the Jan Sangh party would have surely improved its position, for it had a popular and veteran leader in Pt. Prem Nath Dogra and the Party had largely created a fairly substantial

base in some constituencies in the Jammu region, particularly in the constituencies in Jammu city, Kathua, Reasi and Udhampur etc. Commenting on the general character of the elections of 1967, B. Shiva Rao says, "taking all the State Legislative Assemblies there were (as many as) 23,838 nominations for 3,487 seats. Of these nominations 426 were rejected on technical grounds- a little under 2 percent. But in Jammu & Kashmir 126 papers were rejected out of 461 nominations or nearly 30 percent. The same result is reflected in the number of uncontested returns. In the Lok Sabha out of 520 seats (only) 5 went uncontested, two being from Kashmir only... It is unnecessary to comment on these figures except to point out that the Chief Minister Mr. Sadiq's party strength without these 22 uncontested seats could drop to 38 in a house of 75." (The Tribune: B Shiva Rao's letter to the Editor. February 7, 1968).

The stage for the general elections of 1972 was now set. After the sudden death of Mr. G.M. Sadiq in 1971, Syed Mir Quasim the President of the Pardesh Congress Committee assumed the leadership of the Congress Legislature Party. It was under his Chief Ministership that the State went to the polls in March 1972.

A total of 612 nominations were filed for seventy-five Assembly seats, out of which 354 candidates were in the field for forty-two Assembly constituencies in the valley. This time the number of nomination papers rejected was only 66, relatively far smaller than the number of nomination papers rejected in the past. Another 113 candidates eventually decided to withdraw from the contest either on their own or through persuasion and even intimidation by the ruling Party. (Interview with Senior Party leaders).

TABLE :

STATE ASSEMBLY ELECTIONS OF 1972*

PARTY	S	E	A	T	S	TOTAL	P O L L E D	PERCENTAGE
	JAMMU			KASHMIR				
	DIVISION			DIVISION				
Indian National Congress	28(30			30(39)	58(69)	7,64,492		55.44
Bhartiya Jan Sangh	3(27)			(05)	3(32)	1,32,778		9.85
Jamat-I-Islami	(02)			5(20)	5(22)	98,985		7.18
Communist Party of India	-			-(01)	-(01)	5,160		0.37
Congress (o)	-(09)			-(nil)	-(09)	3,514		0.25
Swantantra Party	-(64)			-(nil)	-(04)	694		0.05
Independents	-(120)			9(76)	9(196)	3,68,955		26.75

* Source: Compiled from the Report on the Fifth General Elections, 1972 to the Legislative Assembly of Jammu & Kashmir. Seats contested by the various Political Parties from both the Jammu Division and the Kashmir Division are given in the parenthesis.

TABLE :

DISTRICTWISE POSITION - 1972 *

Showing Details of Nominations

DISTRICT	NOMINATIONS	REJECTIONS	WITHDRAWALS	CONTESTED	SEATS
Baramulla	99	16	33	50	13
Srinagar	156	23	43	90	14
Anantnag	92	11	35	46	15
Ladakh	9	1	5	3	2
Doda	43	--	23	20	6
Udhampur	32	7	3	22	5
Kashmir	34	--	17	17	4
Jammu	97	--	27	70	11
Poonch	13	2	4	7	2
Rajouri	26	1	13	12	3
	614	61	206	337	75

* SOURCE : Election Report 1972.

FORMATION OF THE JANTA PARTY IN JAMMU & KASHMIR

Jaya Prakash Narayan's movement in Bihar and Gujrat and his concept of total revolution created a serious political situation in the country. Students agitation supported by the opposition parties and enjoying the blessings of Mr. Narayan created conditions of choas, anarchy and lawlessness. Meanwhile, the political agitation in Gujrat launched by the Nav Nirman Samiti consummated in the dissolution of the State Assembly. People's elected representative-s were being forced to resign their seats in the State Assembly in Bihar also. The Bihar government which followed closely closely on the heels of the Gujrat movement was aimed at the moral purification of the political system and its institutions (Jaya Prakash Narayan. Total Revolution. Vol. IC. Bombay, 1978.P.110.) The Allahabad High Court's verdict against Mrs. Gandhi election to the Parliament in the midterm poll of 1971 proved as a catalyst to the national crisis which followed. It was in these circumstances that a state of internal emergency was proclaimed by Mrs. Gandhi's government on June 25, 1975. (Indian Express, June 26, 1975. See also Asian Survey Vol. XVI. Nov. 11, 1967) Justifying her Government's decision to declare the emergency Mrs. Gandhi said, " due to these factors, I think there was a grave internal danger to the country". (N.B.C. Meet the Press. August 24, 1975). The proclamation of emergency was followed by the rounding up of opposition leaders who had been behind the agitation. (Link, June 29, 1975).

The State of internal emergency had been in operation barely for a year-and-a-half when Mrs. Gandhi suddenly took

the historic decision of holding fresh elections to the Parliament. This she did purely in her own wisdom and judgment. Thus the Lok Sabha was dissolved on Jan 18, 1977, almost a year ahead of the expiry of its six-year term because the term of the present Lok Sabha was due to expire on March 19, 1976 (Link, January 23, 1977). The terms of the Lok Sabha and the State Assemblies had been extended to six years under the 42nd Amendment to the Constitution. Informing the nation about her decision to hold fresh elections she said, " every election is an act of faith. It is an opportunity to cleanse public life of confusion. So let us go to the polls with the resolve to reaffirm the power of the people and to uphold the fair name of India as a land committed to the path of reconciliation, peace and progress." (The Hindustan Times, January 19, 1977) With the decision to hold fresh elections she also ordered the release of all those political opponents who had been detained in jails for the duration of the emergency. Emergency was relaxed and press censorship lifted, though the press was expected to still observe certain norms. On the whole the opposition leaders were quite satisfied that fresh elections have been announced, though they quite well realized that they did not have enough time to mobilize themselves for this difficult task of the challenge at the husting posed by their formidable rival Mrs. Gandhi, in such a short time.

The release of the leaders of the opposition parties, and the efforts of Mr. Jaya Prakash Narayan facilitated the formation of a new political party intended to provide an national alternative to Mr. Gandhi's government. Mr. Jaya Prakash Narayan warned the opposition leaders, " either fight the elections as one party or I will have nothing to do with

them". (Janardhan Thakur. All the Janta Men. 1978.P.1.).
Ultimately the whole task of forming a new party, was indeed accomplished so swiftly and meticulously that a new party had been formed with the blessings of the sarvodaya leader. Therefore, soon after the announcement of the midterm poll, the Janta Party was formally launched as a new united national party. The new party which eventually emerged under these extremely unique circumstances consisted of all the five major national parties like the Bhartiya Lok Dal, the Bhartiya Jan Sangh, the Socialist Party, the Congress (Organization) and the Swantantara Party. (The Times of India, Jan 24,1977) Mr. Jagjiwan Ram, the Harijan leader, who had parted company with Mrs. Gandhi had organized a new political party known as the Congress for Democracy. This party had entered into an electoral understanding with the newly-formed Janta Party, but later merged with the Janta Party at the request of Mr. Jaya Prakash Narayan. These parties, except the Congress for Democracy, had been in the opposition both at the central and the state levels. It was, indeed, a miracle of Mr. Jaya Prakash Narayans' wisdom, determination and imagination that such an highly disparate conglomerate of political groups and parties were ultimately cobbled together to form a single party, though it functioned and continued to remain merely a coalition of parties almost until its end, when it finally broke up and disintegrated into almost half-a-dozen groups and parties. However, this goes to their credit that these parties swiftly got together

after overcoming their ideological inhibitions and barriers, and prepared themselves well to accept the challenge at the hustings and effectively fight against Mr. Gandhi's Congress Party.

The Mid-term parliamentary elections of March 1977, eventually resulted in the complete rout of the Congress Party led by Mr. Gandhi. This was the reaction of the northern States constituting the Hindi-belt, against the so-called emergency excesses. The electoral performance of the Janta Party, particularly in the northern states of U.P., M.P., Bihar, Orissa, Rajasthan, Haryana and Punjab, was, indeed very impressive and spectacular. In the South, largely because of the unacceptability of the Hindi chauvinism, the Janta Party could not succeed in making any significant inroads into the strong holds of the Congress in Maharashtra, Andhra Pradesh, Karnataka etc, of the C.P.M. in Kerala and the A I D M K in Tamil Nadu. The defeat of the Congress in the Northern states was almost total. It could not win any seat from Bihar, Uttar Pradesh, Madhya Pradesh, Himanchal Pradesh, Punjab, Haryana and Rajasthan. It could barely manage to win 152 seats as against 350 in the previous Lok Sabha.

Soon after assuming power the Janta government decided to hold fresh elections in the ~~nine~~ northern states where the Congress party was still in power, on the plea that this would be in conformity with the verdict of the people in the mid-term parliamentary elections of last March. This decision,

however, did not, in any wise, affect the fate of the Sheikh Ministry in Jammu & Kashmir. The people of Jammu & Kashmir went to the polls for the sixth general elections to the State Assembly under a different set of circumstances. After the near-total rout of the Congress Party during the Parliamentary elections of March 1977, the state Congress finally decided to withdraw its support to the Sheikh Ministry. Though the Congress Party had a majority in the Assembly yet no one from that party was included in the State Cabinet. It was only after the lapse of considerable time that few members belonging to the majority Congress Party were included in the State Council of Ministers at the junior levels only. The Sheikh's reluctance to include any Congress man as a fullfledged Cabinet Minister created a strong feeling of resentment among the ranks of the Congressmen. Even those of them who had been inducted in the Council of Ministers at lower levels of the ministry were not happy (During the author's personal interviews with the Congress Ministers in the government of Sheikh Mohd. Abdulla, it was revealed that the party's unilateral decision to withdraw its unconditional support was the result of the partymen's disgust at the manner in which the Ministry was functioning and particularly the way in which Congress members of the State Government were being treated). Most Congress Ministers of the junior levels did not even have an easy access to the Chief Minister. They did not enjoy any significant powers, because of the personal discretion of the Chief Minister himself. The

Sheikh's reluctance to induct any congress men as Cabinet-level ministers, further embittered and hurt the ego and feelings of the Congress Party.

After Mrs. Gandhi's defeat, her hold on the local Congress Organization nollonger remained as firm and complete as before, since she was no longer the Prime Minister. (Interview with State Congress leaders- Sardar Rangil Singh, Mian Bishir Ahmed etc.) An impression had been created that the state congress took almost an independent decision in withdrawing its support to the Sheikh government, which it had unconditionally and voluntarily extended in March 1975, when Sheikh Abdulla had first assumed power as Chief Minister. Immediately after withdrawing its support, the Congress Legislature Party led by Mr. G.L. Dogra and Mufti Mohd. Syed, the President of the Pradesh Congress Committee, staked its claim as a majority party, to form the new ministry. But hectic political activities of the Congress Party; did not finally yield any result, because of the firm determination of Sheikh Mohd. Abdulla not to allow it to form the government, and thus concede an easy walk-over.

Thus after the defeat of the Congress party in the Parliamentary elections of 1977, the leaders of the State unit initiated a move to regain power which they had voluntarily surrendered in favour of Sheikh Mohd Abdulla. (DK Joshi- A New Deal in Kashmir. 1978. P. 137) Immediately after the resignation of his ministry the Sheikh wrote to the State Governor advising him to dissolve the State Assembly and hold fresh elections.

(The Times of India, March 27, 1977). The Constitution of Jammu & Kashmir (Section 35(2)) Provides that the advice of the out going Chief Minister to the State Governor regarding the dissolution of the Assembly is binding. Taking advantage of this constitutional provision, the outgoing Chief Minister lost no time in recommending the dissolution of the State Assembly. On receiving the advice of the Chief Minister the Governor finally dissolved the State Assembly on March 27, 1977 and immediately imposed Governor's rule by assuming all the functions of State Government under Section 92(Proclamation No. P-I/77 of 1977, March 27, 1977), of the State Constitution. Thus in accepting the advice of the Chief Minister the State Governor was only acting strictly in accordance with the spirit and provisions of the State Constitution. The State Congress leaders raised strong objections about the manner in which the State Assembly had been dissolved. But this did not yield any fruitful results. This matter was even raised in the Parliament, where the Janta Government took the sensible plea that it could not interfere in the political development in the State. It tacitly acquiesced in the unassailable prerogative of the outgoing Chief Minister and accepted the position that he was perfectly within his constitutional rights to recommend the dissolution of the State Assembly, and the State Governor had, under the constitution, no alternative but to accept that advice.

The dissolution of the State Assembly was obviously

unpalatable to the State Congress leaders, for them it was a matter of great moment, since they were so close to capturing power on the basis of their majority strength in the State Assembly that they did not want to lose this opportunity. They accused the Governor for having taken unilateral decision without consulting the leader of majority party in the legislature. Thus the Governor's action in dissolving the State Assembly evoked sharp and violent reaction and came in for a scathing criticism and frontal attack by the National and State Congress leaders. Dr. Karan Singh, Congress-member of the Lok Sabha, reacting sharply, strongly denounced the State Governor for the dissolution of the State Assembly and described his action as a "sordid act of political betrayal and an "outrageous performance" (The Times of India, March 30, 1977). However the Congress Party eventually had to acquiesce in the fait accompli. The die having now been cast, the stage was set for the State Assembly elections during the summer of 1977.

A popular regional political party had been in existence in Jammu & Kashmir for a little more than five decades since 1932. Two major national parties, the Indian National Congress and the Bhartya Jan Sangh, made their political debut for the first time in the early sixties. The Congress Party appeared after the regional National Conference Party had been merged with it in 1964. The Bhartya Jan Sangh's regional political affiliate the

Praja Parishad merged with the Jan Sangh and thus facilitated the extension of the Jan Sangh to Jammu & Kashmir. These parties; both regional and national have had a chequered history. The National Conference Party which had awayed the political scenario in Jammu & Kashmir for a little over three decades, since its inception voluntarily (and perhaps temporarily) lost its political identity by merging itself with the Indian National Congress. The Praja Parishad Party, which came into existence during the convulsive years of the country's independence and partition also eventually and permanently lost its identity when it voluntarily merged with the Bhartya Jan Sangh whose programme and ideology, it had always shared and whose blessings it had always enjoyed. These parties have operated as political rivals, in Jammu & Kashmir, essentially an extension of the phenomenon of their rivalry at the National level. No other party in fact, not even perhaps, the erstwhile Democratic National Conference of G.M. Sadiq and Inqlabi National Conference of Mirza Mohd. Afzal Beg, both of whom had only a brief political career, could make any significant impact on political development in Kashmir until the emergence of the Janta Party towards the late seventies. Thus it may be emphasised that the only well-organized political parties until the mid-seventies were the two national parties the Congress and the Jan Sangh, which have been competing with each other for popular political support in the complete absence of any regional party for a whole decade between 1964 and 1975. The Plebiscite Front, a secessionist political organization which had stood for a

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different kind of political programme, always functioned from outside the State Assembly without ever entering the electoral contest. Sheikh Mohd Abdulla's return to power in 1975 was facilitated by the Indira-Sheikh Accord to the same year. With his return the erstwhile National Conference, which had ceased to exist after its formal dissolution in the early seventies, was revived in 1975.

The newly organized Janta Party's spectacular electoral success both in the Parliamentary elections of March 1977 and Assembly elections in nine northern states, encouraged several political leaders and groups to emulate the national model and create a unit of the Janta Party in Jammu & Kashmir. Most of these people who had been initially instrumental in giving this idea a practical political shape had been men who were, at one time, either close political associates of Sheikh Mohd Abdulla or among his great admirers, but had subsequently fallen out with him either during his years out of power or after his return to power, when he refused to accommodate them in his new set-up. These people have been particularly active in the organization of the new party. The emergence of the Janta Party at the national level was a thrilling idea for those who thought that the model could be successfully tried particularly when some of the major political parties at the national level had

agreed to liquidate their individual party ideologies in favour of a common ideology and programme of the Janta Party. During the parliamentary elections of March 1977 an attempt had been made to set up a unit of the Janta Party in the Jammu region. The Central Parliamentary Board of the Janta Party had announced the formation of the Steering Committee with Mr. Rishi Kumar Kaushal, the leader of the Jan Sangh Party as its convener to fight the Parliamentary elections in Jammu (The Hindustan Times, January 31, 1977). While the Central Election Committee of the Janta Party had selected Sheikh Abdul Rehman, an erstwhile B. L. D. leader, as its official candidate for the Jammu - Poonch Parliamentary Constituency, the local Jan Sangh, defying the C E C nomination, and the Steering Committee, put up Thakur Baldev Singh a sitting Jan Sangh M.L.A. from Kathua. Thakur Baldev Singh was asked by the Central Parliamentary Board to withdraw from the contest but he refused and eventually succeeded in defeating the Janta Party's official candidate. However, Thakur Baldev Singh was subsequently admitted into the Janta Party after having remained as an associate member of the Janta Party for a few months. Even Thakur Baldev Singh effectively used the Janta Party's programme and name and successfully convinced the voters that he was the real Janata candidate and not Sheikh Abdul Rehman. Thus the initial effort to build up the Janata base was sabotaged by the local Jan Sangh. However, the matter was allowed to rest there and was taken up only after the Parliamentary elections had been over. Due to this

kind of factionalism at such an early stage, the Steering Committee of the Janata Party in the State was eventually dissolved.

Certain elements in Jammu & Kashmir now initiated a move to forge a common front under the Janata flag to wrest power from the National Conference, whose one and one-half-year rule had been denounced as authoritarian and anti-people by them. Most of them had been at one time quite close to Sheikh Mohd Abdulla, but now felt largely disillusioned because they failed to get the prominence they thought they had deserved. The present political situation therefore, gave them a unique opportunity to make the Sheikh realize their political importance. In the wake of the so-called Janata wave they thought they would be able to upset Sheikh Mohd Abdulla's applecart, or may be that power would be offered to them on a platter by the people.

It was precisely in the context of this kind of assessment of political situation that one of the old guards of the Muslim Conference and now the virtually defunct Political Conference Mr. Ghulam Mohi-uddin-Karra, first came out openly in support of the Janata Party, and gave a call for the formation of the Janata Party's state unit in Kashmir. On April 4, 1977, a mass rally of about seven thousand people was organized at the historic Red square, in Srinagar city. Mr. Jaya Prakash Narain's call to the people of Kashmir was welcomed by most political leaders with a great deal of

enthusiasm Mr. Mohi-uddin-Karra and Maulvi Mohd. Farooq, Chairman of the Awami Action Committee (People's Action Committee) began to prepare the necessary climate for the formation of the Janata Party's State unit in Kashmir. Efforts were now being made for the first time to bring and unite all democratic forces under the Janata flag particularly those who were personally hostile to Sheikh Mohd Abdulla and the policies of his regime. Maulvi Farooq in one of the meetings revealed that close contacts had already been established between him and other important political leaders opposed to Sheikh Abdulla and he was extremely hopeful that a united front would soon be possible (Indian Express, April 11,1977). Similarly Mr. Gulam Mohi-uddin-Karra declared before a massive rally that many people would welcome the formation of the Janata Party in Jammu & Kashmir (The Hindustan Times, April 5,1977). This meeting was a great success and it strongly encouraged its organizers to go ahead with their efforts. It was for the first time perhaps in several years that slogans were raised publicly both in praise of India and some important national leaders of the Janata Party (The Times of India, April 5,1977). The valley continued to reverberate with similar slogans for several months. The Central leaders of the Janata Party had, meanwhile, maintained a calculated silence and did not extend their

blessings to these efforts until after the visit to Kashmir of the Janata Party's Study team. Mr. Karra later accompanied by some other prominent leaders left for Delhi for consultations with the Central leaders of the Janata Party including. Mr. Morarje Desai, Prime Minister, Mr. Charan Singh, Home Minister and Mr. Atal Behari Vajpai, Minister for External Affairs. They were, however, advised to go slow and wait until the party would be in a position to hear the report of its own observers, who would soon be deputed to visit Kashmir. Mr. Karra later left for Bombay to seek Mr. Jaya Prakash Narayan's personal blessings. He met the Sarvodaya leader in K Jaslok Hospital on April 10, 1977. (The Times of India, April 11, 1977) Jaya Prakash Narayan expressed his hope that the formation of the Janata Party in Kashmir would help in bridging the "political gulf" between her and the rest of India. He gave him an assurance that the state unit of the Janata Party would be formed as soon as the report of the proposed three-member delegation would be received by the party's leadership. (The Hindustan Times, April 11, 1977). In reply to Mr. Karra's letter earlier Mr. Narayan had written, "Kashmir so far has tended to maintain some kind of separateness from India and its politics had been more or less, not in line with the main political development in the country. Now I find you are active in forming the Janata Party in Jammu & Kashmir (Letter released to the Kashmir Times, April 15, 1977). During his visit Mr. Karra met Pt. Prem Nath Bazaz, a noted historian and political leader in Delhi and also persuaded him to lend his support to the task of uniting all the democratic

forces in Kashmir under one flag and one ideology in order to provide a viable democratic alternative to the rule of the National Conference Party. (P.N. Bazaz. Democracy Through Intimidation & Terror 1978. p.45). Both Mr. Karra and Mr. Bazaz later returned to Srinagar on April 15, 1977 and began active consultations with other like-minded elements in the valley which included political leaders like Maulvi Iftikhar Hussain, Mr. Shamin-Ahmed-Shamin and others. Mass political rallies began to be organized by these leaders in several parts of the city. Mr. Prem Nath Bazaz, while addressing one such meeting told the people that the coming Assembly elections would provide them with a genuine opportunity to express their views freely and exercise their franchise rights in a completely free and impartial manner, at the same time exhorting them to unite under the Janata flag to achieve this objective (The Indian Express, April 16, 1977) Mr. Karra reporting about the outcome of his consultations with the central leaders said the Janata party state unit would be launched soon after the assessment of the political situation by the Janata Party's observers had been completed. He asserted that there was complete identity of views between the State and the Central leaders regarding the assessment of the political situation in the valley. (Indian Express, April 16, 1977) He also revealed that the central leadership of the Janata party would like to request Maulana Mohd. Masoodi, a veteran political leader, who had been in voluntarary political exile for a little over twenty-two years following his estrangement with Sheikh Mohd. Abdulla,

to take over the stewardship of the new party in the State.
(The Times of India, April 16, 1977).

The Janata Party's Standing Committee met in Delhi on April 12, 1977 and after taking stock of the political situation eventually decided to send a three-member delegation to Kashmir to assess the situation and report on the prospects of the success of the party's State unit. The party would then decide to formally organize its state unit in Kashmir. The three-member delegation consisted of Mr. Nanaji Deshmukh, Mr. Asok Mehta and Mr. Bhanu Partap Singh. (The Times of India, April 13, 1977). Two central Ministers Mr. Atal Behari Vajpayi and Mr. George Fernandes were already present in the valley in connection with the visit of the Delegation of the Non-Aligned Countries Coordination Bureau. Taking advantage of their presence there, both of them went to call on Maulana Mohd. Syed Masoodi at his suburban residence in Gandherbal in an attempt to persuade him to accept the stewardship of the Janta Party's proposed state unit in Kashmir. (The Times of India, April 16, 1977) However, the talks between them and the Maulana remained inconclusive, because he was still not quite willing to return to active politics after having remained in voluntary political retirement for a considerable period. It was primarily because of these considerations that he expressed his unwillingness to abandon his retirement and shoulder such onerous political responsibilities particularly in this difficult and highly fluid political situation. The central Ministers, however, did not press their point further and considered it desirable to leave the matter to the three-member delegation. The three-member Asok Mehta Committee's visit to Kashmir began from April 15, 1977

and concluded by April 18, 1977. During their first-leg visit to Jammu they met separately the leaders of all important groups and parties including those of the Bhartya Lok Dal, Bhartya Jan Sangh, Congress(0) and the Socialist Party. A deputation consisting of the members of the dissolved Legislative Assembly also called on the members of the team and apprised them of their assessment of the political situation in the Jammu region. They were hopeful that the prospects for creating an united, viable alternative to the National Conference were, indeed, very bright. The committee was obviously faced with some really difficult and ticklist problems particularly because of the intense hostility between the local Jan Sangh, the Bhartya Lok Dal and others.

After a complete and thorough study of the situation in Jammu, the Committee left for Srinagar. On arrival at the airport Mr. Asok Mehta declared before a gathering of newsmen, "the Janata Party was determined to promote secular and communal harmony at all costs", and appealed to the people", to rally in large numbers and join the proposed new party in this noble cause". (The Sunday Tribune, April 17, 1977) The members of the Janata delegation also assured the people of Jammu & Kashmir that the Janata Party and its government at the centre had no intention of altering or abrogating anything in Art. 370 in a unilateral manner unless the demand to do so come from the people of the State themselves. (The Sunday Tribune, April 17, 1977).

During their consultations with the leaders of the various political hue and complexions, anxious to join the Janata Party in the valley, they made a special bid to induct Maula Mohd. Syed. Masoodi. This would obviously help the central leadership to

build up both image and the credibility of the Janata party in the eyes of the people of Jammu & Kashmir. Naturally the Janata Party leaders felt that if their unit in Kashmir is to command respect it should be headed by a leader of Maulana Masoodi's stature.

After the formal official notification for holding the elections has been made, the electoral process enters its most crucial phase. The electoral machinery, the political parties and their candidates launch the necessary preparations for the final battle of the hustings. In the period between the official notification and the day/days fixed for the voting, the official machinery embarks upon a series of important activities including printing of ballot papers, providing suitably revised and updated electoral rolls to the political parties, selection of polling stations at suitable distances making sure that the voters do not have to walk long distances, appointment of Returning and Presiding officers who have to actually conduct the elections, and other functionaries connected with the electoral process including those responsible for maintaining conducive law and order conditions in which peaceful polling becomes possible and the voters can exercise their franchise rights freely and without fear. The formal notification at the same time fixes the dates for filling of nominations by the candidates, their scrutiny and withdrawals.

It is at this stage that political parties move into the centre of the electoral scene and remain actively involved till the polling is over and the final results are declared. In a manner of speaking it is the organized political parties and groups which provide the legions for the battle of the hustings. The parties sway the total electoral scenario. This extremely crucial obligations of the political parties in a democratic set up begins with with the selection and adoption of suitable candidates whose over-all image in the eyes of the people is good. For this purpose the parties carefully prepare list of candidates who would contest the election on behalf of these parties. The most important consideration at this stage which heavily weighs with the parties is not merely the availability of candidates but more important than that perhaps is the chance of their electoral victory, for no party managers would recruit candidates whose prospects of success are not very bright. In this process often several levels are involved. The grass-root units of the political parties are instructed to provide the names of candidates who would wish to enter the electoral contest. Most parties now-a-days attach much credibility to the idea of the "native place" i.e. the candidate who has been adopted by the party for a particular constituency belongs to that constituency

only, and is not an outsider, Most voters would simply frown at the idea of an 'outsider' contesting from an "adopted constituency". He must be a "native" so that people in that particular electoral district know him and, as nearly as possible, he knows all or atleast most of them. In the case of parliamentary constituencies such a consideration may be largely inconsequential for often it would be a matter of pride for an electoral district to voluntarily offer the constituency to a popular national leader as has frequently been done. Since the limits of a parliamentary constituency often cut across vast districts where face to face contacts may often become difficult if not altogether impossible it is perhaps not necessary to choose a "native" of the constituency as its candidate. However, the constituency obligations of such candidates by no means either weaken or disappear. But in regard to the assembly constituencies the sentiment which normally goes with the choice of a "native" as a candidate is both deep and strong.

The parties often like to involve their local party organizations for suggesting the names of suitable candidates. For this purpose names are invited from those who aspire for a ticket, panels are prepared and finally submitted to the provincial election committees, whose recommendations are forwarded and finally approved by the party's Central Election Committee. Except in cases where the claims and counterclaims of various candidates are so powerful

that they cannot be successfully resolved at the lower echelons, the approval by the Central Election Committee is hardly more than a mere formality. Thus the choice and selection of candidates for election by the political parties is both important and central to the entire electoral exercise. Where the parties succeed in selecting people with better public image, their worry is almost half-over.

During the State Assembly Elections of June-July 1977 three major political parties including one regional party, besides a large number of independent and 'rebel' candidates, had entered the electoral contest for the 76 member State Assembly. 'Rebels' is a particular expression which describes those contestants who had unsuccessfully staked their claims for party nominations, but could not somehow be accommodated by the party, are now not prepared to withdraw and enter the electoral contest on their own as 'rebels' against the party's official candidates.

The National Conference Party had no serious problem in the choice of party candidates for the State Assembly Elections of 1977. The claims of the various candidates which had been forwarded by the local block and district units of the party were scrutinized and finally approved by the Party's Election Committee. Thus the party had no major problem to resolve, and being a regional party, did not have to seek any formal approval from anywhere, unlike the other national parties. The Congress party had also no serious difficulty because most of its sitting members in the

over the selection of candidates. (THE TIMES OF INDIA, JUNE 3, 1977)

The Janata Party constituted its Election Committee for Jammu & Kashmir in the first week of May 1977 in Srinagar to supervise the process of selection of candidates and scrutinize the list of candidates for the State Assembly Elections. All the three regions of the State viz. Ladakh, Jammu & Kashmir valley had been adequately represented on the State Election Committee. The committee consisted of ten members in all and the region-wise break-up being ~~six~~ for the valley, three for Jammu and one for Ladakh)See Appendix II for the list of the Members of the State Election Committee).

The State Election Committee of the Janata Party spent nearly five days to sort out the various issues connected with the choice and selection of party candidates. The Election Committee finally succeeded in resolving the issue atleast to the satisfaction of some of its constituents, though the erstwhile Jan Sangh was very unhappy over the manner in which party tickets has been distributed and thus the final Janata list provoked strong protests from the Jan Sangh group (The Times of India, June 3, 1977). The State Janata Committee ultimately finalized its list for as many as seventy-two Assembly constituencies (P.N. BAZAZ -176).

For this purpose the committee has invited applications from all those who wished to seek election on the Janata Party's tickets. The party laid its own criteria for the distribution of party tickets. Among

the major considerations were the candidates' good public image, because most voters were indeed looking for honest people, their acceptability to the local party ranks and file in the constituency, their chances of winning the election and their political standing in the respective constituents of the Janata Party. The Election Committee felt largely handicapped particularly an account of the staking of claims and counter-claims by several candidates. The party had decided to contest from all the Assembly constituencies in the Jammu region. The erstwhile Jan Sangh was fairly strong in several constituencies of the Jammu region and the new party, particularly because of the so-called Janata wave had expected to win in at least 24 to 26 constituencies. In the Kashmir valley and the Ladakh division the party had decided to contest from 42 constituencies out of 44. The party, however, did not put up its candidates in two constituencies, one in Sopore assembly constituency in Baramulla District from where the leader of the Jamat-i-Islami Syed Ali Shah Geelani was seeking re-election, and the other in the Kargil constituency of Ladakh division (THE TIMES OF INDIA, JUNE 6, 1977). The Janata Party had chosen Peer Yusuf Shas a political worker of little consequence as its official nominee to oppose Sheikh Mohd. Abdulla who was seeking re-election from his previous assembly constituency of Gandherbal from where he had contested as an independent and won with a massive vote in 1975 when he returned to power. However, it became quite embarrassing for the Janata party when its candidate did not turn-up to file his nomination papers. Instead

Mr. A.M. Tariq an ex-Minister and Member of Parliament decided to enter the contest to oppose Sheikh Mohd Abdulla as an independent. Later the Janata Party decided to extend its support to him (THE HINDUSTAN TIMES, JUNE 20, 1977).

The Janata Party's list of candidates included the names of some prominent political leaders, particularly those who were personally hostile to Sheikh Mohd Abdulla and those who had been primarily instrumental in organizing the Janata Party's state unit in Jammu & Kashmir. Mr. Gulam Mohi-uddin Karra, who had taken the first initiative in the formation of the Janata party unit had strong objections in regard to the manner in which the Janata list of candidates had been prepared. Mr. Krishan Kant who had to extend his stay had several meetings with him and eventually succeeded in sorting out the differences, when he prevailed on Mr. Karra to contest from any assembly constituency in the valley (THE TIMES OF INDIA, JUNE 3, 1977). Besides Mr. Gulam Mohi-uddin Karra, the names of Mr. Shamim-Ahmed Shamim, an Ex-M.P., Mr. Abdul Gani Lone an Ex-Minister Maulvi Iflikar Hussain Ansari, who had unsuccessfully contested for the Lok Sabha from Srinagar parliamentary constituency, Abdul Rashid Kabli, a student political activist, Dr. Abdul Majeed (From Anantnag) and Sonam Gyalson from Ladakh were also included in the Janata list (THE HINDUSTAN TIMES, JUNE 20, 1977). In addition to these prominent leaders, the Party's Election Committee also tried to accommodate and give representation to the People's Action Committee by including in its list two candidates Mr. Abdul Rashid Kabli and

Mr. Salim Anwar Dar (THE HINDUSTAN TIMES, JUNE 5, 1977) who had been personally selected by Maulvi Mohd Farooq, Chairman of the People's Action Committee. He had himself not formally joined the Janata Party but placed all the resources of his organization at the disposal of the Janata Party and also promised to extend full support and cooperation to the Party in the valley. (THE HINDUSTAN TIMES, JUNE 28, 1977).

The Party's Election Committee was faced with a difficult task particularly in regard to the selection of Party's candidates from Jammu region. The problem assumed serious dimensions particularly because of the hostility among the various elements belonging to the erstwhile Jan Sangh, the Bhartya Lok Dal, and others who had recently defected from the Congress party and had been admitted to the party fold. Some of these objections were largely well-sustained because some of the new faces in the Janata list had frequently left their political parties and joined new parties out of sheer political expediency. (See Appendix III for the list of Defectors). Because of these and similar other factors the process of selection of party candidates often ran into serious difficulties and eventually gave rise to acute factionalism. The choice and selection of party candidates for the thirty-two assembly constituencies from Jammu region presented great obstacles in the way of some kind unanimous agreement. The members of the erstwhile Jan Sangh vehemently protested against the inclusion in the party's list of those who had no standing in any of the constituents of the

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Janata Party and these elements were particularly unhappy because they were not given adequate representation commensurate with their political influence and support in the Jammu region. They particularly staked their claims on the ground that "they since 1930 played a prominent role in the freedom struggle of the State". Out of the thirty two seats ^{had} they/been allotted only five seats. But they strongly protested that this was a very poor share particularly in view of the Jan Sangh's hold over the politics of the Jammu region. Infact, in all the previous assembly elections the Jan Sangh had never succeeded in winning more than five seats, its electoral achievement varied from 4 to 5 in all. The controversy over the selection of candidates and distribution of seats among its constituent units caused a serious rift in the party, as a result of which a substantial segment of the party broke away from the party fold and formed what eventually came to be known as the Janata Front (THE TIMES OF INDIA, JUNE 14, 1977). Thus the newly-formed Janata Front consisting entirely of the erstwhile Jan Sangh activists decided to contest the election on its own. The Front decided to put-up its own candidates in as many as 16 constituencies from the Jammu region against the party's official candidates (THE HINDUSTAN TIMES, JUNE 15, 1977) This was done despite the appeals made by the Party's Central High Command asking the Front to withdraw its candidates in favour of the Party's official nominees. (THE TIMES OF INDIA, JUNE 29, 1977).

Thus the Party's Election Committee finally selected

thirty two candidates to contest from all the 32 assembly constituencies in the Jammu region. However, its official candidate from the Udhampur Assembly constituency, Mr. Hari Ram Vaid, an active worker of the Jan Sangh party, eventually withdrew his nomination at the last moment in favour of a rebel candidate Mr. Shiv Charan Gupta, whose nomination had been sponsored by the Janata Front, though he was also an active worker of the erstwhile Jan Sangh Party (THE INDIAN EXPRESS, JUNE 10, 1966). Wholly dissatisfied over the manner in which the party tickets had been distributed, the President of the newly-formed Janata Front Mr. Dhian Singh alleged that the manner in which the party tickets had been distributed smacked of absolute partisanship, and it was done with a view to keeping the Jan Sangh, which was a dominant component of the Party, out and accused Party managers for having distributed the tickets "under a deep-rooted conspiracy to mar the future of the Janata Party and encourage disruptionist tendencies. Besides groupism and communalism money had also played its role". (THE HINDUSTAN TIMES, JUNE 18, 1977) Mr. Dhian Singh who himself was a Janata Party rebel candidate from the Samba Assembly constituency further said, "ninety percent of the party tickets in Jammu & Kashmir had been allotted to the defectors from the Congress. (Ibid) Mr. Onkar Seth, an active member of the erstwhile Jan Sangh Party and a student activist, and now the Secretary of the 'rebel' Janata Front in his bid to persuade the party's central leadership, made an appeal to the party "to withdraw the party's support to

those official nominees of the party who were defectors and had a dubious role in political life for personal ends". (THE TIMES OF INDIA, JUNE 20, 1977) Some of the party functionaries also alleged that the Jan Sangh had a secret alliance with the Congress which dates back to the last Lok Sabha election when such elements had succeeded in defeating the party's official candidate Mr. Abdul Rehman, who was contesting for the Lok Sabha as a genuine Janata Party candidate from the Jammu-Poonch Parliamentary constituency. As a result a substantial section of the Jan Sangh supporters of Thakur Baldev Singh reciprocated by not opposing the Congress Party's candidate Dr. Karan Singh who was contesting from the Udhampur-Doda parliamentary constituency. (See Balraj Puri- Report on the Janata Party Reverses in Assembly Election in Jammu Region). It was because of this kind of factionalism and hobnobbing that the party's Central High Command had then to disband the Pradesh Janata Party unit in Jammu soon after the Parliamentary elections.

Thus the controversy and serious differences (at one stage even Mohi-uddin-Karra threatened to withdraw and stay out of the contest) over the selection of party candidates in the Jammu region had created bitter feelings within the party ranks and file. As a result Mr. Onkar Seth claimed that over six thousand active workers of the Janata Party in Jammu region had resigned from the Party. (See THE TIMES OF INDIA, JUNE 9, 1977). It was primarily because of this kind of factionalism that the party had to pay a

heavy price by losing many seats, particularly in the Jammu region, that it had been hopeful of winning.

However, almost all the important leaders of the erstwhile Jan Sangh had been fully associated with the process of selecting the party's candidates. Some efforts, however, had been made to evolve a consensus regarding the choice and selection of party candidates at the regional level in order to avoid any rift within the party. For this purpose 13 members of the Janata Party's Adhoc Committee met in Jammu to finalize the list for the Jammu region. The Adhoc Committee prepared a panel for every assembly constituency and then a three-member sub-committee consisting of Thakur Baldev Singh, Sheikh Abdul Rehman and Om Prakash Saraf, was authorised by the Adhoc Committee to evolve a consensus on its behalf. The Sub-Committee was able to reach almost complete agreement in regard to 21 out of 32 assembly constituencies from the Jammu region. But a substantial section in the erstwhile Jan Sangh Party had strong reservations regarding the manner of evolving the consensus. However, in view of the persistent differences at the local level, the matter was eventually referred to the State Election Committee where the members of the sub-committee represented the Jammu region.

The muslims constituted a majority in ten out of the 32 assembly constituencies in the Jammu region, while another six had been declared as reserved constituencies for the candidates belonging to the Scheduled Castes and Scheduled Tribes. The State Election Committee did not have to face any serious problem in the distribution

of the tickets in these 16 assembly constituencies, except that the diehards among the Janata Party wanted to give party tickets to the Hindus even from these constituencies (Balraj Puri op.cit.) The fact was that the erstwhile Jan Sangh party had perhaps very little or no following in these constituencies, and it did not even have any muslims as its members, whom the party could sponsore from these constituencies. As regards the six reserved constituencies there was perhaps no controversy or any serious difference of opinion over the allocation of these six reserved seats out of which three had gone to the nominees of the Jan Sangh, two to the nominees of the Bhartya Lok Dal (including one sitting member) and lastly, one to a women candidate, who did not belong to any of the constituents of the Janata Party. Their selection was unanimously approved by the Election Committee. Out of the remaining sixteen sears, the erstwhile Jan Sangh was given seven, the erstwhile Bhartya Lok Dal 4, the Socialists 1, the Congress (O) 3, and the Congress for Democracy 1. Thus out of 22 seats in the constituencies where the Hindus x had a majority the Jan Sangh got 10, the B.L.D. 7, Socialists 1, Congress (O) 3, and the Congress for Democracy 1. In the dissolved Legislative Assembly both the Jan Sangh and the B.L.D. had two seats each and all the remaining twenty-six seats had been won by the Congress.

The Selection Committee had a difficult time, but eventually the selection of candidates for a majority of seats was unanimous. It was only in about half-a-dozen

cases for which strong objections came from the erstwhile Jan Sangh group. The entire list received the final approval of the party's Central Election Committee except one assembly constituency of Chanani in Udhampur District where the candidate belonging to the Congress for Democracy was replaced by another candidate who belonged to the Jan Sangh. Even this kind of appropriation of seats among the various constituents did not ultimately satisfy the erstwhile Jan Sangh. The matter was also raised with the Central Party leaders by Mr. Abdul Gani Goni, Speaker in the dissolved assembly, and now the members of the Janata Party Adhoc Committee for Jammu & Kashmir. He deplored that the former Jan Sangh leaders in the newly-formed party in Jammu region had been ignored and had not been giving Janata Party tickets to contest the assembly elections (THE TIMES OF INDIA, JUNE 4, 1977). Some of the important leaders of the erstwhile Jan Sangh, who had staked a superior claim, but eventually failed to get the party mandate, filed their nomination papers as rebel candidates. The party however, overcame this tricky situation when Mr. Chaman Lal Gupta, a member of the State Adhoc Committee, who had filed his nomination papers from the Jammu City East assembly constituency in opposition to the official candidate Mr. Ram Nath Bhalgotra, withdrew his nomination. In a statement he said that he ~~was~~ withdrewng frp, tje cpmtest om deferemce to the wishes of the Party's Central leaders, especially Mr. Morarji Desai and Mr. Atal Behari Vajpai (THE INDIAN EXPRESS, JUNE 10, 1977). Another leader Mr. Vaid Vishno

Dutt a former President of the Jan Sangh - controlled Municipality in Jammu also eventually withdraw from the contest obviously under pressure from the party's central leadership, still leaving 14 of their supporters in the contest. Thus it was in as many as 14 constituencies in the Jammu region that the "rebels" were pitted against the party's official candidates. It was largely believed that the party rebels enjoyed the active support and blessings of Thakur Baldev Singh, Mr. Chaman Lal and the State R. S. S. Chief Mr. Bhagat Swaroop. (Balraj Puri op.cit.) The group successfully created an impression among the voters that they also belonged to the Janata Party, and like Thakur Baldev Singh who had contested as a rebel candidate, but was later on admitted into the party fold, they would also be admitted back into the party soon after the assembly elections. The rebels also expressed their resentment over the inclusion of the names of the three former Congress Ministers Mr. Rangil Singh, Mr. Ghulam Nabi Wani Sogami and Chaudhri Mohd Shafi who were contesting from R.S. Pura (in the Jammu region) Kupwara and Kokernag Brena (in the Kashmir region) assembly constituencies respectively.

Though the distribution of party tickets is always a very difficult exercise and often poses fairly serious problems, yet some political parties through a process of consensus resolve them relatively more easily. Whereas it was indeed, an uphill task for the nascent Janata Party, in the case of both the Congress and the National Conference parties the distribution of party tickets created no major problem because both the parties in the

state were relatively more cohesive and homogeneous as compared to the Janata party which was merely an heterogeneous conglomerate of various parties without being properly assimilated into a common ideology. Thus each constituent unit of the Janata Party staked its claims for proper representation proportionate to its influence and structures of support.

In the final analysis a little over 400 candidates had been left in the field for 76 seats of Jammu & Kashmir Legislative Assembly, after the last day fixed for the withdrawals of the nomination papers. This included 174 candidates for 42 seats in Kashmir and 235 candidates for 32 seats in Jammu and five candidates for two seats in Ladakh. The National Conference was contesting all the assembly seats, the Janata party 72 the Indian National Congress 63, the Jamat-i-Islami 20 and the C. P. I. 5. There were as many as 175 independents. Though in most of the constituencies there were triangular and four-concerned contests, two senior leaders of the National Conference party Sheikh Mohd. Abdulla and Mirza Mohd. Afzal Beg were locked in a straight contest with an independent and a Janata candidate respectively.

In the process of choosing candidates for the State Assembly Elections, it seems women on the whole, did not find favour any party. Only the Janata party put up the maximum number of women candidates which was three - Dr. (Mrs.) Jag Mohini for Habba-Kadal in Kashmir, Mrs.

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Prakash Rani Razdan from Basohli and Gurbachan Kumari from Bari Brahmana-a suburb of Jammu City. Neither the Congress nor the National Conference has sponsored any woman candidates for the Assembly though both the parties had selected one women each for the Parliamentary elections i.e. Mrs. Akbar Jehan wife of Chief Minister Sheikh Mohd Abdulla was the National Conference nominee from the Srinagar City parliamentary constituency and Mrs. Parvati Devi was the Congress candidate from the Ladakh parliamentary constituency.